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*Central Intelligence Agency  
Inspector General*

# REPORT OF INVESTIGATION



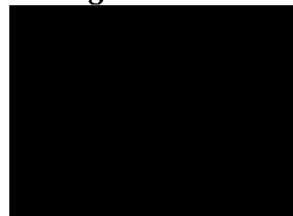
GUATEMALA: VOLUME IV  
MICHAEL DEVINE  
(95-0024-IG)

July 15, 1995

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## TABLE OF CONTENTS

	Page
INTRODUCTION .....	1
BACKGROUND .....	2
PROCEDURES AND RESOURCES .....	4
QUESTIONS PRESENTED .....	5
FINDINGS .....	6

<i>WHAT INFORMATION WAS AVAILABLE TO THE CIA BEFORE THE END OF JANUARY 1995 CONCERNING DEVINE'S KILLING? WHEN DID IT BECOME AVAILABLE AND HOW WAS THAT INFORMATION HANDLED? HOW RELIABLE WERE THE AGENCY SOURCES FROM WHOM THE INFORMATION WAS ACQUIRED? .....</i>	<i>6</i>
--	----------

 .....	83
--	----

Chronology: Key Events .....	86
------------------------------	----

Graphic: Key Events and Locations Relating to DeVine Killing .....	92
---	----

Graphic: Guatemalan Military Structure and Key Personalities .....	93
---	----

Graphic: Guatemalan Directorate of Intelligence (D-2) Structure and Leadership .....	94
---	----

<i>WHAT INFORMATION WAS AVAILABLE TO THE CIA BETWEEN FEBRUARY 1995 AND MAY 18, 1995 CONCERNING DEVINE'S KILLING? WHEN DID IT BECOME AVAILABLE AND HOW WAS IT</i>	
--	--



<i>HANDLED? HOW RELIABLE WERE THE AGENCY SOURCES FROM WHOM THE INFORMATION WAS ACQUIRED? .....</i>	<i>95</i>
<i>Graphic: Occupants of Senior CIA Positions.....</i>	<i>115</i>
<i>Graphic: Occupants of Senior Guatemalan Positions .....</i>	<i>116</i>
<i>WHAT DO CIA PERSONNEL AND OTHERS RECALL REGARDING THE REPORTING CONCERNING DEVINE'S KILLING? .....</i>	<i>117</i>
<i>DID THE CIA MEET ITS RESPONSIBILITY FOR COLLECTION OF INFORMATION PERTAINING TO THE DEVINE KILLING? WAS ANY OF THIS INFORMATION IMPROPERLY SUPPRESSED? .....</i>	<i>123</i>
<i>IS THERE ANY EVIDENCE THAT CIA EMPLOYEES OR AGENTS WERE DIRECTLY OR INDIRECTLY INVOLVED IN DEVINE'S KILLING? .....</i>	<i>129</i>
<i>WAS INFORMATION REGARDING DEVINE'S KILLING PROPERLY SHARED BY CIA WITH THE INTELLIGENCE OVERSIGHT COMMITTEES? DID THE CIA MEET ITS RESPONSIBILITY FOR CONGRESSIONAL NOTIFICATION IN THE DEVINE KILLING? .....</i>	<i>130</i>
<i>WAS INFORMATION REGARDING DEVINE'S KILLING PROPERLY SHARED WITH AMBASSADORS AND OTHER APPROPRIATE EMBASSY OFFICIALS? DID CIA MEET ITS RESPONSIBILITY FOR NOTIFICATION IN THE DEVINE KILLING? .....</i>	<i>133</i>
<i>WHY DID THE AGENCY NOT PROVIDE INFORMATION REGARDING THE DEVINE KILLING TO THE DEVINE FAMILY? .....</i>	<i>135</i>
<i>CONCLUSIONS .....</i>	<i>137</i>
<i>RECOMMENDATIONS .....</i>	<i>145</i>



OFFICE OF INSPECTOR GENERAL  
INVESTIGATIONS STAFF

## REPORT OF INVESTIGATION

GUATEMALA: VOLUME IV  
MICHAEL DEVINE  
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July 15, 1995

### INTRODUCTION

1. In a March 22, 1995 letter to President Clinton that was simultaneously released to the *New York Times*, Representative Robert Torricelli (D-N.J.) alleged that the Central Intelligence Agency (CIA) was involved in the "murders in Guatemala in the early 1990's" of U.S. citizen Michael DeVine and Guatemalan insurgent Efraim Bamaca Velasquez. He further alleged that these two individuals "were murdered under the direction of Colonel Julio Roberto Alpirez, a Guatemalan intelligence officer [who] was under a contract with the CIA and remained on its payroll at the time of the murders."

2. On March 30, 1995, the President directed the Intelligence Oversight Board (IOB) to conduct a government-wide review of all allegations surrounding the DeVine killing and the disappearance of Bamaca as well as any related matters. Shortly before this, an investigation that had been initiated by the CIA's Inspector General in January 1995 at the request of then-Acting Director of Central Intelligence Admiral William Studeman regarding the relationship between the CIA and Colonel Alpirez was broadened to include



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questions regarding the Bamaca and DeVine cases that were raised by the Senate Select Committee on Intelligence (SSCI) and the IOB, as well as other issues that were raised during the public debate that followed Representative Torricelli's allegations.

3. This Report concerns the DeVine killing, the information that the Agency received after his killing and whether or not that information was handled properly. It deals, among other things, with questions regarding what information was available to CIA on DeVine and when; whether the Agency met its responsibility for the collection and dissemination of intelligence pertaining to DeVine; what information CIA had linking Alpirez to DeVine; whether there is any evidence that CIA employees or assets were directly or indirectly involved in DeVine's killing; and, whether information regarding DeVine's killing was properly shared with congressional intelligence oversight committees.

## BACKGROUND

4. No Agency record has been found concerning Michael DeVine, a U.S. citizen who lived and died in Guatemala, prior to his death in June 1990. According to media and Embassy reporting, DeVine was born in Kansas, raised in Illinois and served in the U.S. Navy. His wife, Carole, was born and raised in California. In the late 1960's, the DeVines traveled through Mexico and eventually reached Guatemala. Circa 1971, they purchased land in The Peten, about three kilometers south of the town of Poptun. Embassy reports describe Poptun as a town of 8,000 inhabitants, an eight to ten hour drive from Guatemala City and three hours from Flores, the provincial capital. According to an Embassy report;

Poptun has been likened to Dodge City in its lawlessness and Wild West ways. Although there are three national policemen assigned there, they have no telephone, no vehicle and no money for taxis or other expenditures. Scores are settled directly, if at all. Three or four murders a week are not uncommon; virtually all go unresolved. At any sign of military involvement, the national policemen disappear or become even more ineffective than usual.



5. The DeVines developed the land they had purchased into a large farm and wilderness area called Ixobel Farm. There they operated a hotel, accommodating as many as 60-80 guests at night and drawing a clientele of adventurers and backpackers. They also operated the La Fonda restaurant in Poptun. The DeVines were apparently well regarded in the community and Michael DeVine's funeral was reportedly the largest public event in Poptun in memory.

6. DeVine's killing, the involvement of Guatemalan military personnel in his killing and the manner in which the Guatemalan Government handled the investigation of DeVine's killing, have had a significant impact on U.S./Guatemalan relations. In December 1990, Foreign Military Funds (FMF) military assistance to Guatemala was suspended, largely because of the DeVine case. The U.S. Government has made its displeasure known to the Guatemalan Government since then at virtually every opportunity.

7. On March 22, 1995, Congressman Robert Torricelli alleged in a letter to President Clinton that was simultaneously released to the *New York Times* that the Central Intelligence Agency (CIA) was involved in the "murders in Guatemala in the early 1990s" of DeVine and Guatemalan insurgent Efraim Bamaca Velasquez. He further alleged that these two individuals "were murdered under the direction of Colonel Julio Roberto Alpirez, a Guatemalan intelligence officer [who] was under a contract with the CIA and remained on its payroll at the time of the murders." On March 30, 1995, the President directed the Intelligence Oversight Board (IOB) to conduct a government-wide review of all allegations surrounding the DeVine killing and the disappearance of Bamaca, as well as any related matters. Shortly before this, the CIA Inspector General (IG) broadened an investigation into the CIA's relationship with Alpirez, initiated on January 27, 1995 at the request of the Acting Director of Central Intelligence, to include the broad allegations raised by Congressman Torricelli and others.

8. In Addition, a May 5, 1995 letter to the CIA IG from Congressman Torricelli reported that a former DEA employee had advised him that the CIA had information indicating that the DeVine killing was "politically motivated" in that DeVine had "discovered a drug



operation run by Col. . . Alpirez . . .;" that Alpirez had DeVine killed to keep this discovery secret; and that the CIA had not shared this information with the Justice Department when the Department was reviewing the reported role of Alpirez in the DeVine killing, thus obstructing justice. These allegations were also included in the CIA IG's investigation.

9. This Report describes the findings of that investigation. Because of the manifold other allegations and issues that have arisen regarding CIA activities in Guatemala, it is included as Volume IV in a six volume collection of reports relating to these allegations.

## PROCEDURES AND RESOURCES

10. On January 27, 1995 ADCI Studeman asked the IG to investigate CIA's relationship with Alpirez and two investigators were assigned to that task. However, as a result of additional questions raised by the SSCI, Congressman Torricelli and the IOB, the investigation was expanded. By early April, the investigative team had grown to 17 investigators and several research assistants and secretaries. A core group of five investigators was assigned to the DeVine investigation. An April 3, 1995 tasking memorandum from the IG to the Deputy Director for Administration, Deputy Director of Intelligence (DDI), Deputy Director for Operations (DDO), Deputy Director for Science & Technology, General Counsel, Director of Congressional Affairs, Director of Public Affairs, and the Executive Secretariat requested that all information in the possession of those components that related to the relationship between the Agency and Alpirez, DeVine and Bamaca be made available to the OIG. In late May, a further request was made to the DO and DI for any relevant documents produced after the responses to the April 3 request. Several thousand documents relevant to DeVine were reviewed as were the results of over 200 interviews. A more detailed description of the procedures and resources required for the entire Guatemala-related investigation is included in the overview, Volume I.



## QUESTIONS PRESENTED

11. The following questions are addressed in this Volume:

- ◆ What information was available to the CIA before the end of January 1995 concerning DeVine's killing? When did it become available and how was that information handled? How reliable were the Agency sources from whom the information was acquired?
- ◆ What information was available to the CIA between February 1995 and May 18, 1995 concerning DeVine's killing? When did it become available and how was it handled? How reliable were the Agency sources from whom the information was acquired?
- ◆ What do CIA personnel and others recall regarding the reporting concerning DeVine's killing?
- ◆ Did the CIA meet its responsibility for collection of information pertaining to the DeVine killing? Was any of this information improperly suppressed?
- ◆ Is there any evidence that CIA employees or agents were directly or indirectly involved in DeVine's killing?
- ◆ Was information regarding DeVine's killing properly shared by CIA with the Intelligence Oversight Committees? Did the CIA meet its responsibility for Congressional notification in the DeVine killing?
- ◆ Was information regarding DeVine's killing properly shared with Ambassadors and other appropriate Embassy officials? Did CIA meet its responsibility for notification in the DeVine killing?



- ♦ Why did the Agency not provide information regarding the DeVine killing to the DeVine family?

## FINDINGS

*WHAT INFORMATION WAS AVAILABLE TO THE CIA BEFORE THE END OF JANUARY 1995 CONCERNING DEVINE'S KILLING? WHEN DID IT BECOME AVAILABLE AND HOW WAS THAT INFORMATION HANDLED? HOW RELIABLE WERE THE AGENCY SOURCES FROM WHOM THE INFORMATION WAS ACQUIRED?*

12. The earliest mention of DeVine's killing that has been found in Agency files appears in a June 11, 1990 U.S. military Southern Command (SOUTHCOM) daily intelligence summary that reported:

GT - On June 10, the body of U.S. businessman Michael DeVine was found in Poptun. DeVine had been decapitated; his body showed signs of torture. He was the owner of a small restaurant and also worked as a tour guide. DeVine was kidnapped on 1 [sic] June by unidentified men. The incident may have been criminally motivated; however, both the rebel armed forces and narcotraffickers operate in the area. There have been no claims of responsibility.

The next reference to the killing in Agency files appears in a June 18, 1990 State Department press guidance message reporting that DeVine's body was found near his vehicle on June 9, 1990 at the side of the highway near an area called La Montana Rusa, between Poptun and Guatemala City. According to that message, the Guatemalan death certificate cited knife wounds as the cause of death.

13. The U.S. Embassy in Guatemala City initiated an investigation into DeVine's killing. This investigation was led by the Consul General (CG), a State Department officer with responsibility for U.S. citizen services in Guatemala. During the investigation, the Embassy's Defense Attaché (DATT), who represents the Department of Defense in Guatemala, participated in many of the CG's meetings with the DeVine family's lawyer, and interacted with the Guatemalan military concerning the matter. The Embassy Human Rights Officer, another State Department officer, was also involved. U.S. Ambassador Thomas



Stroock, the Deputy Chief of Mission (DCM), and the Political Counselor made official demarches and led the effort to apply pressure on the Guatemalan Government.

14. The record reflects that the Agency's Chief of Station (COS) [REDACTED] in Guatemala City, and other Station personnel, supported the investigation by seeking information from Agency sources about DeVine's killing, Guatemalan Government efforts to resolve the matter and Guatemalan officials' reactions to the Embassy pressure. The record also reflects that, through its relationships with the intelligence services of the Guatemalan Government, known as "liaison relationships," the Station also conveyed the message that the U.S. Government placed major importance on identifying and punishing those who were responsible for DeVine's killing.

15. August 1990 Embassy Reports. An August 10, 1990 Embassy report concerning the investigation suggested that the Guatemalan military may have been involved in DeVine's killing and was covering up its involvement. That report also provided several versions of possible motives. According to that report [REDACTED] had been hired by Mrs. DeVine and, along with the DeVine family's lawyer, was the source of much of the information available to the Embassy. [REDACTED] was described as a tenacious investigator who worked very closely with Embassy officials, sharing information and providing them with copies of his reports. As of August 10, [REDACTED] reportedly had made five trips to Poptun or Flores in connection with his investigation.

16. [REDACTED] developed significant evidence implicating several men in a white Toyota pickup truck in DeVine's death. He also was able to connect the truck to the Guatemalan military, specifically to the Kaibil Base in Poptun and to the Military Zone 23 (MZ-23) Headquarters base at Santa Elena in Flores. He located several individuals who claimed to have seen the truck and its occupants waiting by the entrance to DeVine's farm when DeVine drove in at about 3:00 p.m. on Friday, June 8. They reportedly saw DeVine's van and the truck depart the farm together a few minutes later. At about 6:00 p.m. on June 8, at least two individuals reported seeing the two vehicles parked together at the site



where DeVine's van was found at 6:00 a.m. the next morning, Saturday, June 9. DeVine's body was found on the ground beside the van. He had apparently been beaten. His face was badly bruised and he had been nearly decapitated, apparently by someone standing behind him while he knelt. According to [REDACTED] report, all of the physical and forensic evidence pointed to the probability that DeVine was murdered at the place where his body was found, and the official cause of death was partial decapitation and the near total loss of blood (hipovolemic shock).

17. A tax form featuring the name of an individual, and food rations said to be of the type used by the Guatemalan Army, were found at the spot by the entrance to DeVine's farm where the pickup truck had reportedly been seen waiting on June 8. [REDACTED] succeeded in locating the man named on the tax form and another man, both of whom had been described by individuals who had seen the men in the pickup truck, in Flores. According to [REDACTED] both men were reported to have some unspecified relationship with S-2<sup>1</sup>.

18. By August 10, according to the Embassy report, [REDACTED] had compiled a list of nine names of individuals who allegedly had some involvement in DeVine's killing. Four of the men had some affiliation with S-2 according to [REDACTED] also had been told that the white truck had been repainted at the Santa Elena military base after DeVine's killing, and that it was now red with a black stripe on the side. The white pickup truck had been seen entering and leaving the Poptun Base many times prior to June 8-9, 1990 but was never seen there again.

19. According to the Embassy report, employees on DeVine's farm stated that DeVine had been depressed for about two weeks prior to his killing and had referred vaguely to threats and commented that he might not be around much longer. DeVine's mother had died recently and had left him a substantial estate but it was unclear whether anyone in the local community knew of his financial gain. Carole DeVine had returned only the day before DeVine's killing from two weeks away from Poptun,

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<sup>1</sup> S-2 is the designation given to base or local level intelligence offices. The S-2 is subordinate to the base or local commander and provides information to the Directorate of Intelligence (D-2) of the Guatemalan National Defense Staff as well. See charts depicting structure of Guatemalan military and D-2.



and was unaware of any such depression or concern about threats on DeVine's part.

20. The initial Guatemalan police report concluded that the motive for the killing was robbery, despite the fact that DeVine's van and its contents were found with the body and only DeVine's pocket knife and watch were missing. According to Embassy reports, other conjecture at the time suggested some drug connection or some effort to drive him off his land. There also was a report that a young girl had remarked some eight hours before DeVine's abduction that DeVine was going to be killed because he had kidnapped a child and sold it for one million dollars. This allegation was not substantiated by any report of a missing child in the area, and was discredited by [REDACTED] investigation.

21. Embassy reporting documents the pressure that was applied to the Government of Guatemala regarding the DeVine killing. Beginning on June 13, 1990 the U.S. Ambassador asked Guatemalan Minister of Defense (MOD) Bolanos for his assistance in investigating the killing. Thereafter, the Ambassador, DCM, other Embassy officers, and [REDACTED] were in frequent contact with the MOD; Colonel Cesar Cabrera, Chief of Guatemalan Military Intelligence (D-2); General Marroquin, Guatemalan Army Chief of Staff (COS); and others. However, the results were conflicting and unsatisfactory responses regarding the course of the Guatemalan Government's investigation.

22. Much of the information collected by [REDACTED] was shared with Guatemalan officials. At a July 19, 1990 meeting between an Embassy officer and Colonel Cabrera, Mrs. DeVine and her lawyer, Mrs. DeVine stated that the pickup truck had been seen entering the Poptun Base at 6:00 a.m. on June 9. No other reporting has been found that ties the truck to the Poptun Base later than June 8. Throughout these meetings with Embassy officials, the Guatemalans maintained they were unable to identify or locate the pickup truck in question.

23. In a meeting with [REDACTED] and an Embassy officer on August 3, General Marroquin stated that a warrant had been issued for the arrest of Jose Vicente Cornelio, an individual DeVine had shot and wounded after catching him stealing chickens in 1985. Separate Embassy



reporting indicated that DeVine had paid the man's medical expenses, had given him money for the period when he was unable to work, and that there was no apparent residual animosity between the two.

24. The August 10, 1990 Embassy report concerning the Embassy's investigation of the DeVine killing stated that:

This case gives the [Guatemalan Government] an opportunity to show that it has the resolve to carry out an effective investigation and bring the perpetrators, whoever they may be, to justice. We are seriously disturbed that thus far the military's responses have not indicated anything like the level of attention and/or energy we would like to see. Mrs. DeVine and [REDACTED] believe that this indicates the military is trying to cover up the involvement of some of its personnel in DeVine's murder. That judgment may be premature . . . . Our hope is that the guilty parties will be apprehended and brought to trial. If this does not happen, and if it appears that the military has failed to take what appear to be relatively easy and logical steps, we may have to conclude that the military wishes to conceal what really happened. In that event, it would call into serious question whether we should continue to have any security assistance relationship with the Guatemalan armed forces. Also, in that event, we may decide that the U.S. Government should file its own complaint with the Guatemalan Human Rights Ombudsman's office.

25. August [REDACTED] 1990 Intelligence Report. The first Station correspondence that has been found concerning the DeVine killing was generated on August [REDACTED] 1990. [REDACTED]

[REDACTED]

[REDACTED] on June 8, five men from the S-2 office in Santa Elena Military Zone 23 (MZ-23) Headquarters had arrived [REDACTED]



[REDACTED] in a white Toyota pickup truck. The men met with the officer who [REDACTED] they had been sent by the MZ-23 S-2 to "controlar," i.e., "to surveil," DeVine. [REDACTED]

[REDACTED] strange that an officer was not in charge of the five man detail.

26. [REDACTED]

[REDACTED] The next day, June 9, DeVine was found dead. [REDACTED] there were witnesses to DeVine's killing and that the men from MZ-23 had fired on some of the witnesses. [REDACTED] an investigation had been ordered by [REDACTED] and carried out by [REDACTED] the Deputy D-2<sup>2</sup>.

27. [REDACTED] a genuine investigation had been ordered. [REDACTED] a cover-up began when the truth, i.e., military involvement, was learned. [REDACTED] there was no written report of the investigation, [REDACTED]

[REDACTED] a scapegoat had been located, an individual with whom DeVine had exchanged gunfire several years earlier. [REDACTED] the pickup truck probably had been destroyed to get rid of the evidence.

28. [REDACTED]

[REDACTED] The

<sup>2</sup> D-2, the Directorate of Intelligence of the Guatemalan National Defense Staff, is the national intelligence organization of Guatemala. The officer designated "the D-2" has offices in the Presidential Palace. See charts depicting structure of Guatemalan military and D-2.



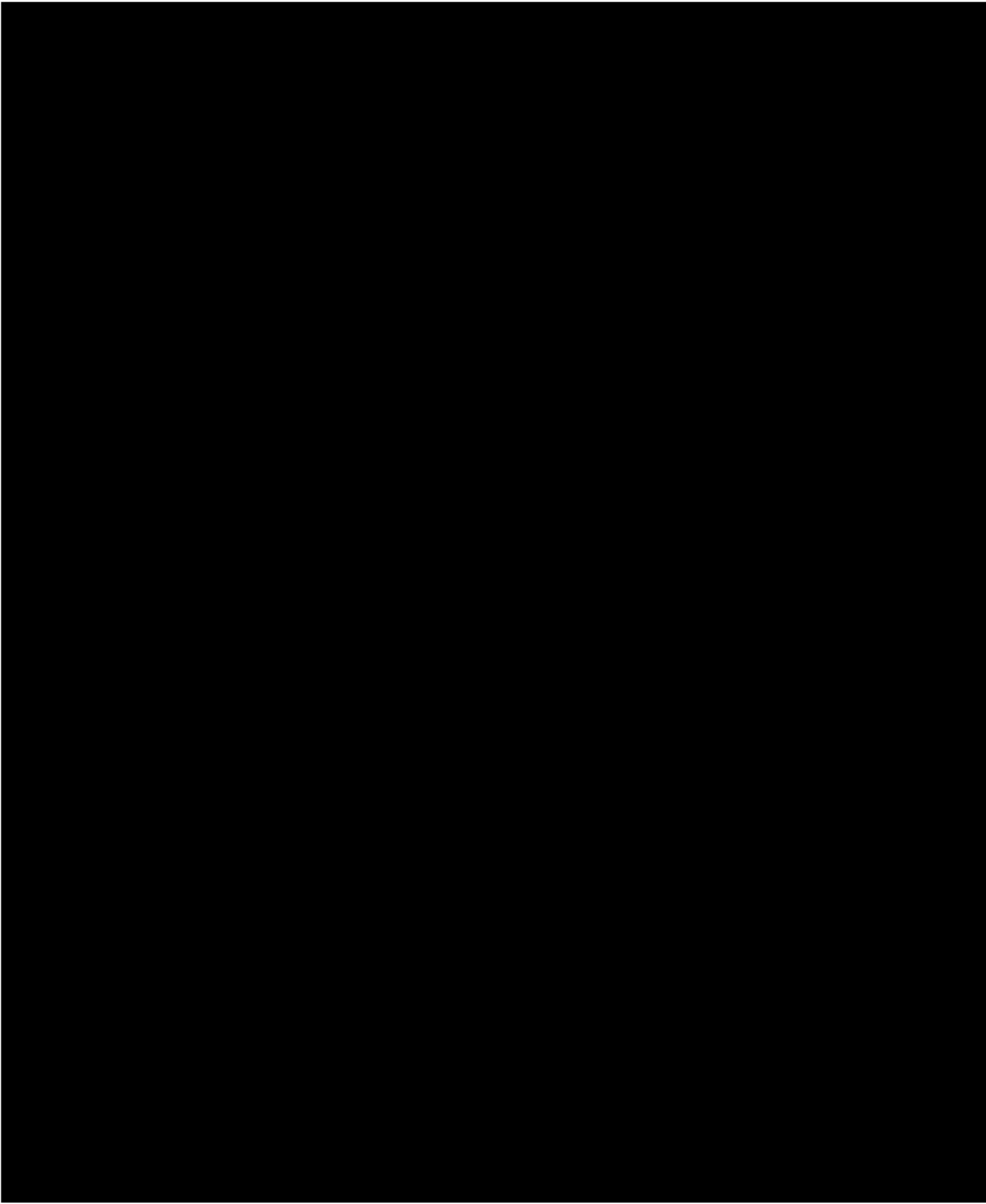
information [REDACTED] was the first to name the MZ-23 Commander [REDACTED] as responsible for setting in motion the events that led to Devine's killing, and also the first to indicate that a military cover-up was under way. In the August [REDACTED] 1990 [REDACTED] cable to Headquarters, [REDACTED] proposed ways Ambassador Stroock could use the information [REDACTED] to apply pressure on the Guatemalans, but also proposed to delay briefing Stroock on the information in order to give some measure of protection to [REDACTED]

29. On August [REDACTED] 1990, Headquarters responded, rejecting the COS's proposal and instructing [REDACTED] to brief Stroock immediately on the information in view of the high level interest in the DeVine case. Headquarters also directed that the information [REDACTED] be resubmitted in "intelligence format" and marked for possible "memorandum dissemination." The Headquarters response also expressed a desire to provide the information to the Assistant Secretary of State for Latin America, Bernard Aronson, as quickly as possible.

30. The Station resubmitted the information in "intelligence format" by [REDACTED] cable [REDACTED] August [REDACTED]

[REDACTED] The cable also indicated that the only Embassy officer in Guatemala who had been briefed was Ambassador Stroock.







31. On August [REDACTED] the Station advised Headquarters that Ambassador Stroock had requested that the information [REDACTED] be passed personally to Deputy Assistant Secretary of State for Latin America (DAS) Joseph Sullivan because Assistant Secretary Aronson was on vacation. The Station cable stated that Stroock did not wish the cable to be left with anyone other than Sullivan at the State Department, that the Embassy had been in contact with Sullivan, and that Sullivan was expecting the information.

32. On August [REDACTED] 1990 again by Immediate cable to Headquarters, the Station asked that the information [REDACTED] be handcarried to Sullivan immediately, stating that, as of 1:00 p.m. Washington time, Sullivan had not seen it. The Station cable stated further that the DCM, Philip Taylor, had again asked the Station to ensure that this be done, and that the Embassy was planning to take action with the Guatemalan Government based on the information. Ambassador Stroock planned to make a personal demarche to President Cerezo on August 24 that the U.S. Government knew who had killed DeVine, knew about the military cover-up, and asking that the Guatemalans see that the culprits were brought to justice. The State Department was described in the cable as aware of the planned action, but not in possession of the intelligence report upon which the action was to be based.

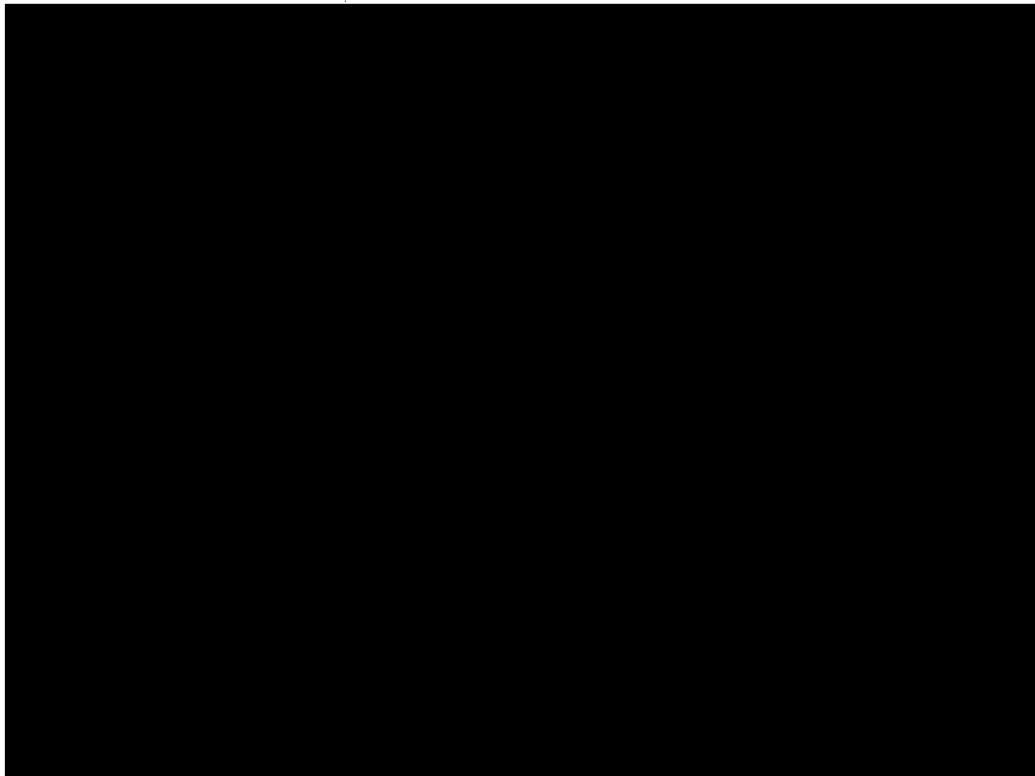
33. Four hours before this Station cable was sent, before noon Guatemala City time on August [REDACTED] the Embassy had sent an Immediate telegram to DAS Sullivan in Washington, reciting information [REDACTED] and explaining Stroock's plan to discuss the matter with President Cerezo on August 24. That telegram began with the words, "As you know, we have information that American citizen Michael DeVine was murdered on June 8 by a team of Guatemalan Army enlisted personnel."

34. Agency Headquarters converted the intelligence report received from the Station on August [REDACTED] into a memorandum dissemination [REDACTED] dated August [REDACTED]. It was disseminated that same day to:



Assistant to the President for National Security Affairs;  
Assistant Secretary of State for Inter-American Affairs;  
Assistant Secretary of State for Intelligence and Research;  
Director, Defense Intelligence Agency;  
Assistant Director, Intelligence Division, FBI; and  
Manager, Justice Command Center.

35. An August [REDACTED] Immediate cable from Headquarters informed the Station of the text of the memorandum dissemination, and indicated that a copy had been handcarried to DAS Sullivan at 6:00 p.m. Washington time, on August 23. The Headquarters cable also stated:



36. August 1990 Embassy and Station Reports. Ambassador Stroock met with Cerezo on August 24. Cerezo told Stroock he was concerned about DeVine's killing, that he was aware Stroock had requested assistance from MOD Bolanos in investigating the crime, and that the military was not conducting the investigation well. Cerezo also attributed the problem to MZ-23 Commander Garcia Catalan who Cerezo said had caused serious problems in at least three previous assignments. Stroock told Cerezo he was not yet prepared to discuss the DeVine killing. They agreed to meet again on August 28.



37. State Department messages retrieved from Agency records reflect a flurry of telegrams in preparation for the planned demarche to President Cerezo. State provided talking points for the demarche in an August 26 telegram.

38. [REDACTED]

39. The Station's reply, on the same day, [REDACTED] and that Cerezo had promised a response to the demarche in 48 hours. Copies of Embassy reporting at the time in Agency files indicate that, during the August 28 meeting with Stroock and the DCM, Cerezo had mentioned three potential motives for DeVine's killing--robbery; drug trafficking; or that DeVine had bought a Galil rifle and was trying to buy another.

40. August [REDACTED], 1990 Intelligence Report. [REDACTED]

[REDACTED] President Cerezo was angry after his August 28 meeting with Ambassador Stroock and that he had expressed his displeasure to MOD Bolanos and ordered Bolanos to take all proper action and initiate a proper investigation immediately. [REDACTED] Garcia Catalan would be relieved as MZ-23 Commander on August 31 or September 15. Garcia Catalan, [REDACTED] was already in serious trouble with Army COS Marroquin for his involvement in the illegal sale of wood from the Peten forests. [REDACTED]

[REDACTED] President Cerezo was taking the matter seriously and his orders probably would be carried out. [REDACTED] rumors that DeVine was involved in some way with Guatemalan guerrillas were apparently unfounded and may have been originated as part of the military cover-up.



41. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

42. [REDACTED]

[REDACTED]

43. September 5, 1990 [REDACTED] and Embassy Reports. On September 5, [REDACTED] message reported a number of key personnel changes in the Guatemalan Army, including the retirement of COS Marroquin and the removal of Garcia Catalan as MZ-23 Commander. The [REDACTED] the DeVine killing may have influenced the timing since such changes normally would not occur until October 1. Also on September 5, an Embassy Country Team message reported that it appeared the Guatemalan Government was not prepared to take satisfactory action on the DeVine case. Although Garcia Catalan had been removed as MZ-23 Commander, it was judged that including his removal among many other changes served to conceal, rather than illuminate, its relationship to DeVine's killing. Further, the Embassy report continued, this was only one of the three key actions President Cerezo had promised Ambassador Stroock would happen quickly.



44. [REDACTED]

45. [REDACTED]

46. September [REDACTED] 1990 Intelligence Report. [REDACTED]

[REDACTED] about the removal of MZ-23 Commander Garcia Catalan [REDACTED] Garcia Catalan was removed due to his slow and ineffective handling of the DeVine investigation in the face of persistent requests for information to the MOD and President by Ambassador Stroock. [REDACTED]



[REDACTED]

47. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

48. September 1990 [REDACTED] and Embassy Reports. On September 10, 1990, the [REDACTED] disseminated information [REDACTED] who claimed DeVine had been killed by four or five soldiers from Santa Elena, the MZ-23 headquarters base at Flores. [REDACTED] the G-2<sup>3</sup> section in MZ-23 had determined that DeVine had been providing support to Rebel Armed Forces (FAR) insurgents in the Poptun area, that the murder had not been officially ordered, and that the truth had been discovered only after the investigation was started. The Guatemalan Army command then determined to hide the facts. Those directly involved in the murder would be killed, while those who had been in charge would be transferred. [REDACTED] said that former Army COS Marroquin had urged MOD Bolanos to conduct a formal court martial but this had been rejected. [REDACTED] comments included with the report suggested that protection of the

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<sup>3</sup> G-2 is the designation of the regional military command offices of the D-2, the national intelligence organization of Guatemala. G-2 officers are under the command of their respective military zone or base commanders but also report directly to the D-2 in Guatemala City. See charts depicting structure of Guatemalan military and D-2.



Guatemalan military institution would be high on the list of possible motivations for such actions, and that elements in the Guatemalan military were capable of such actions.

49. On September 19, 1990, [REDACTED] reported [REDACTED] that President Cerezo and the military high command intended to placate the Embassy as much as possible on the DeVine case, but did not really expect to bring the case to any particular conclusion. [REDACTED]

50. [REDACTED]

51. Over the next few weeks, Embassy and [REDACTED] reporting suggested that the DeVine case was moving forward, reported arrest warrants had been issued for eight Guatemalans, several of whom were members of the military, and expressed the Ambassador's hope that the Guatemalans' attitude regarding the case was improving. On September 29, [REDACTED] reported [REDACTED] had vowed complete cooperation in the DeVine case and had stated that six of seven



suspects in the killing were active duty military personnel. [REDACTED]  
[REDACTED]

52. October [REDACTED] 1990 Intelligence Report. [REDACTED]

[REDACTED] the Guatemalan Army General Staff had ordered new restrictions on visits by foreign nationals to military bases and other sites controlled by the military. The restrictions were said to be aimed specifically at U.S. Embassy officials and were implemented because the General Staff viewed visits by foreign diplomats, military attachés in particular, as attempts to obtain information about alleged human rights violations by the Guatemalan Army. [REDACTED] that the immediate cause of the new restrictions was alleged pressure from the U.S. Embassy concerning the DeVine killing. According to the report,

The General Staff believes that the U.S. wants to convert the case into one similar to that of the killing of six Jesuit priests in El Salvador in 1989. [REDACTED] U.S. Embassy officials had "celebrated" the fact that they had located an alleged witness to the killing of [DeVine]. The witness is a non-commissioned officer in the Guatemalan Army who, according to the General Staff, has been offered money and a residence in the U.S. for himself and his family in return for his testimony.

53. [REDACTED]  
[REDACTED]

54. [REDACTED]  
[REDACTED]

55. [REDACTED]  
[REDACTED]



[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

56. October ■ 1990 Station Report.

[REDACTED]

five military suspects were under arrest in MZ-23, another was still being sought, and that no one with the name that remained on the list of those accused could be found.

[REDACTED]

Garcia Catalan had not been involved in the killing but that his main infraction had been in not reporting the crime.

[REDACTED]

[REDACTED]



~~SECRET~~

[REDACTED] that the men had not been ordered to kill, but only to surveil, DeVine. This surveillance was based on the belief that DeVine had possession of one or two Galil rifles that had disappeared from MZ-23. [REDACTED]

[REDACTED] that the surveillants became involved in an altercation with DeVine and went too far.

57. [REDACTED]  
[REDACTED]

58. October 1990 [REDACTED] and Embassy Reports. On October 4, the Embassy reported that [REDACTED] had advised that [REDACTED] "knew" from unspecified sources that the DeVine killing had been ordered by then-Peten military zone commander Garcia Catalan and had been condoned by the Chief of D-2, Colonel Cabrera. On October 10, Embassy reporting indicated that the DeVine case had been turned over to a military court.

59. The [REDACTED] reported on October 12, 1990, [REDACTED] that several soldiers had been charged with DeVine's killing as a result of pressure from the U.S. Embassy, but that those charged were believed to be not guilty of the crime. [REDACTED] the Assistant G-2 of MZ-23, 2nd Captain Santos Bonr Avendano, had been in charge of the operation and another officer may also have been involved. [REDACTED] DeVine may have been involved in providing logistical support to the insurgents and was possibly involved in arms smuggling.

60. October [REDACTED] 1990 Station Report. [REDACTED]  
[REDACTED]



[REDACTED]

[REDACTED] the legal process and trial would be completely clean, [REDACTED]

[REDACTED]

61. [REDACTED] DeVine's killers were not under orders from Garcia Catalan to kill him, and opined that they got into a fight and killed DeVine. [REDACTED] that there was insufficient consistent evidence to convict the five military prisoners [REDACTED] the DeVine family lawyer [REDACTED] he would try to delay the trial to develop more evidence.

62. [REDACTED]

[REDACTED]

[REDACTED] that "others" had reported that "DeVine drank heavily either at his own bar/restaurant in Poptun or at some other local watering place and then practiced his karate on the troopers from Poptun Base and beat them senseless," adding that the Station had not verified this.



64. October-December 1990 Embassy Reports. According to Embassy reporting, an FBI polygrapher arrived in Guatemala on October 27 to examine the six suspects under detention in the DeVine case.<sup>5</sup> Ambassador Stroock continued to apply pressure to Cerezo and December 12 Embassy reporting indicated that Stroock believed that Cerezo had lied when he told Stroock he had ordered interrogation of all army officers who could possibly have been involved in DeVine's killing.

65. December [REDACTED] 1990 Intelligence Report. [REDACTED]

[REDACTED] had received no recent orders to pursue further the investigation into DeVine's killing; [REDACTED]

[REDACTED] that all but one of the suspects being held were innocent and the other might be also; [REDACTED]

[REDACTED] who also was allegedly involved, was innocent; that the actual killers were military personnel, but had not been acting

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<sup>5</sup> These were the original detainees, not the soldiers who eventually were arrested, tried and convicted of DeVine's killing. The Guatemalan Government did not permit the FBI to polygraph the soldiers.



~~SECRET~~

under orders; that MOD Bolanos was the greatest obstacle to the investigation; that Army COS Mata disagreed with Bolanos and sought a complete public investigation; [REDACTED]

[REDACTED]

66. [REDACTED]

[REDACTED]

[REDACTED]

67. [REDACTED]

[REDACTED]

68. On December 21, the Chargé sought a meeting with President Cerezo but met with Guatemalan Presidential Spokeswoman Claudia Arenas because Cerezo was unavailable. The Chargé reportedly reviewed the many demarches and letters that had been sent to the Guatemalan Government by U.S. officials, expressed the U.S. Government's deep concern over the continued cover-up of the facts regarding DeVine's killing, and stated that the State Department would announce at noon on December 21 the immediate suspension of all U.S. military aid to the Guatemalan armed forces.



69. January [REDACTED] 1991 Intelligence Report. [REDACTED]

[REDACTED] believed the U.S. Government would give the new Guatemalan President, who would be elected on January 6, sufficient time to resolve the investigation of DeVine's killing before taking serious actions against the Guatemalan Government. [REDACTED]

[REDACTED] that senior Guatemalan officers were not concerned about the short-term effects of the suspension of military aid, that they could begin purchasing equipment from other countries, [REDACTED] and that they believed the suspension of aid was the product of Ambassador Stroock, not the U.S. Government.

70. [REDACTED]

71. [REDACTED]

72. [REDACTED]



[REDACTED]

73.

[REDACTED]

74.

[REDACTED]



[REDACTED]

75. January-February 1991 Embassy Reports. A January 4, 1991 Embassy telegram from Ambassador Stroock reported a wide-ranging conversation between Stroock, DCM Taylor and Serrano. Stroock told Serrano that there was still great concern in the United States over human rights violations and that the DeVine case was a touchstone. Stroock noted in the message that Taylor had explained details of the DeVine case that Serrano had not known and that Serrano was told that, "We knew that some officer in Flores ordered six army personnel to Poptun to surveil DeVine. When the six arrived in Poptun, they checked in with the Kaibil Base there. Their orders were reaffirmed in a telephone call between the Kaibil Base and the Flores Zone command." Serrano also was informed that MOD Bolanos was personally blocking the investigation. [REDACTED]

[REDACTED]

76. On January 12, the Embassy reported by telegram that Serrano had told Ambassador Stroock that he would appoint General Luis Enrique Mendoza to replace MOD Bolanos; current Defense Vice Minister General Raúl Molina Bedoya to replace General Mata as Army COS; and MZ-23 Zone Commander Ortega [REDACTED] to replace General Godoy as head of the Presidential Military Staff. Among the conditions Serrano placed upon Ortega in his new position were that he help in cleaning up the military and have complete respect for human rights. Serrano said that some of the military would view his actions as bowing to U.S. Government pressure, and that he would need immediate lifting of the suspension of U.S. security assistance. Stroock indicated that, if the DeVine investigation moved quickly, he would move promptly to lift the suspension.

77. In a January 25, 1991 telegram, Stroock reported on his first meeting with new Guatemalan MOD Mendoza. According to the telegram, in the course of the meeting, Mendoza "launched into" the DeVine case without any prompting and stated that he wanted to get the



case resolved and put behind them as fast as possible. Mendoza expressed skepticism about the value of some of the data being provided by a private investigator, suggesting that one of DeVine's employees might have provided false information in retaliation for troubles he had previously with certain members of the Army. Mendoza also opined that he did not think there had been an "intellectual author" to this killing. Mendoza indicated that he did not want to tie the DeVine case to U.S. military aid and that the case would be acted upon without having to use such pressure, because it was their moral obligation to do so.

78. Stroock was favorably impressed by the meeting. He commented in the telegram that he was thoroughly impressed with Mendoza's frankness; he was struck by Mendoza's positive attitude toward the DeVine case, specifically his view that resolution of the case was a moral obligation; and he believed Mendoza intended to maintain a close relationship with the U.S. Embassy. The telegram concluded, "Mendoza appears well intentioned, and seems to have a clear picture of his goals for the institution."

79. In late January 1991, the Embassy provided Serrano with five human rights-related actions it considered to be benchmarks for completion before military aid would be restored. The first was substantial forward movement on the DeVine case. By February 4, 1991, reports on the Guatemalan reaction to the U.S. Government's demarche were being received by the State Department [REDACTED]

80. A February 7, 1991 State Department telegram informed the Embassy of a February 4 meeting between Bernardo Neuman, "a self-described advisor to President Serrano;" Richard Earle, a Washington attorney; and Assistant Secretary Aronson and DAS Sullivan. According to the telegram, Neuman was sent by Serrano, in part, to discuss the benchmarks demarche Stroock had delivered. Neuman characterized Serrano as disappointed that the United States would doubt his intentions on human rights and civilian control of the armed forces and listed in some detail the reasons Serrano reacted so negatively. One of the non-DeVine related benchmarks was considered an infringement on Guatemala's sovereignty. With respect to the DeVine case, Neuman emphasized that Serrano was on the phone with Mendoza and others in



the military "almost every twenty minutes" and that he understood the importance of a thorough investigation in this case. According to Neuman, Serrano expected "resolution" within sixty days.

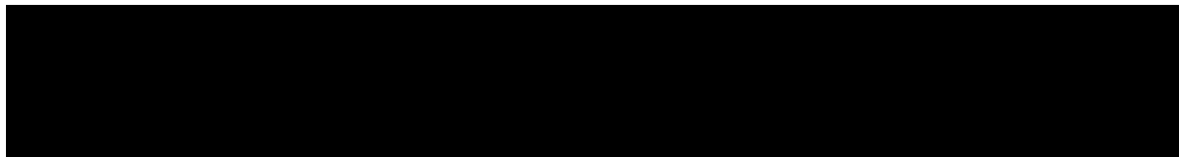
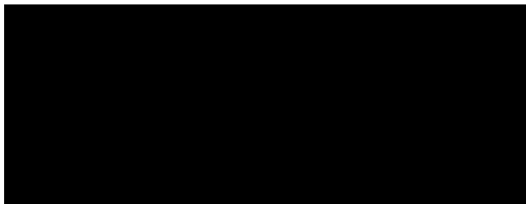
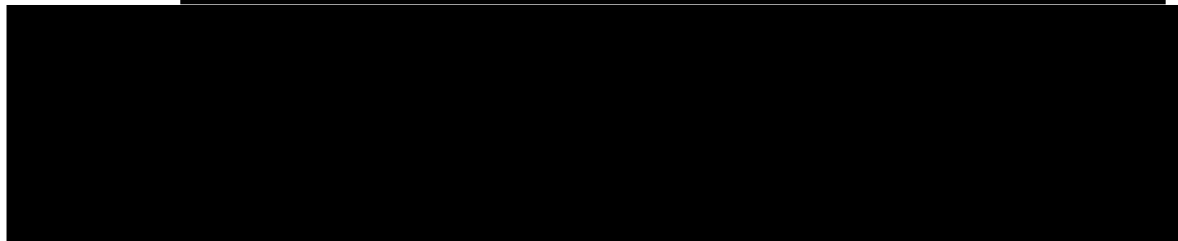
81. According to the telegram, Aronson emphasized that, while the United States had trust in Serrano, it would not be possible to "just turn on [military] assistance based on promises, however well intentioned. What are needed are credible changes." Aronson stated that Serrano "in many respects must bear the burden of the Cerezo Administration's lack of follow through on human rights commitments."

82. February, 1991 Intelligence Report.

in early February regarding Serrano's explanation to military officers for his decision to turn down U.S. military assistance, and the Guatemalan military's anger concerning U.S. policy. Serrano's explanation that he had refused all U.S. military funds because the U.S. Government had presented, in an offensive manner, a list of conditions precedent to resumption of the funds. Serrano stated that he was surprised and offended by the attitude of Ambassador Stroock who in delivering the U.S. Government message had affronted the respect and dignity owed to the Constitutional President of a Republic. Serrano emphasized that if he were to have accepted the conditions, he would have felt nothing more than a puppet and described the message and Stroock's delivery as insulting and insolent. Serrano was praised by his audience of mid-level and junior officers for taking a firm stand against U.S. interference in internal affairs. Serrano described the conditions as the offering of a bribe of \$100,000 per month and resumption of military assistance in return for prosecution of Garcia Catalan and officers involved in another human rights incident.

83.



84. 

85. March 1991 Embassy Reports. March 8 Embassy reporting indicated that the five military suspects had provided sworn statements to the Guatemalan Attorney General's representative, in the presence of the DeVine family lawyer, to the effect that the orders for DeVine's kidnapping and killing were given by Colonel Guillermo Portillo Gomez, Deputy commander of MZ-23 at the time, and Captain Hugo Contreras Alvarado. The men who carried out the orders were identified as Joaquin Alfaro Avelar, who was in charge; Oliverio Orellana Valdez, second in command; and five soldiers assigned to S-2--Francisco Solbal, Juan Antonio Garcia Hernandez, Jose Tobias Orellana, Tiburcio Hernandez y Hernandez, and the driver, Daniel Tolon Rodriguez. The scenario from the statements, as reported by State, was as follows:

The group left the Base in Santa Elena about [3:30 p.m.] on June 6. They arrived at the Kaibil (Ranger) Base in Poptun about [6:45 p.m.]. They were given food and lodging. On June 7 the group reconnoitered the area of the DeVine farm to establish DeVine's movements. On June 8 they left the Kaibil Base in Poptun aboard a white Toyota pickup truck with no license plates, and went to the DeVine farm to carry out their orders. About [3:30 p.m.], they intercepted DeVine driving his van, kidnapped him, drove him to a nearby place known as "La Montana Rusa" ("The Roller Coaster"). They murdered DeVine there about [5:30 p.m.]. The group then left Poptun aboard the white pickup



truck for Santa Elena, arriving back at the Base about [9:00 p.m.] on June 8.

86. In two separate meetings, Ambassador Stroock, DCM Taylor and the DeVine family lawyer apprised Serrano and MOD Mendoza of the sworn statements from the military suspects. According to Embassy reporting, Mendoza was most displeased and took issue with the statements. He suggested that the testimony had been bought with dollars or the promise of U.S. visas; stated that the FBI-assisted polygraphing of the original five detainees was an illegal act that constituted interference in the Guatemalan judicial process; commented that former MOD Bolanos had been wrongly accused of trying to cover up the DeVine case; and stated that the Army and the Guatemalan Government would not respond to demands.

87. April 1991 Intelligence Report. [REDACTED]

[REDACTED] said that [DeVine] was killed by Guatemalan soldiers dispatched from the Military Zone 23 Headquarters at Santa Elena to look for a missing rifle. [REDACTED] a soldier assigned to MZ-23 had deserted, taking his Galil rifle with him. Because this constituted a military crime, the Guatemalan Military Intelligence Service (D-2) [REDACTED] was nominally responsible for the operation to arrest the soldier and recover the rifle. The officers actually charged by the D-2 with carrying out the operation were Col. Mario Roberto Garcia Catalan, commander of MZ-23; Col. Guillermo Portillo Gomez, second-in-command of MZ-23; and Lt. Hugo Roberto Contreras Alvarado, the MZ-23 assistant intelligence officer at the time. [REDACTED] the senior MZ-23 intelligence officer was on vacation. Contreras, known as "El Maldito" [i.e., "the damned"] for an eye defect and also for his bad temper and brusque manner with subordinates, was directly in charge of the operation.

[REDACTED] Reports had reached MZ-23 Hqs that [DeVine] had purchased the stolen Galil rifle from the army deserter. Contreras decided to send a group of four non-commissioned officers (NCO's) and eight soldiers to



the Poptun area to question him. No commissioned officer was assigned to go with the group. The soldiers located and interrogated him regarding the missing weapon and location of the deserter. [DeVine] either did not know anything about the case or refused to talk about it. One of the NCO's told a soldier to bring a machete. The NCO then told [DeVine] that he would kill him if he did not talk. When [DeVine] still refused to answer questions about the case, the NCO killed him with the machete.

[REDACTED]

[REDACTED]

Contreras recently spoke at a staff meeting to the officers of the Military Zone headquartered in Salama, Baja Verapaz Dept., where he is currently the military zone intelligence officer . . . . At the invitation of his commanding officer, Contreras told the assembled officers that the U.S. Government is paying off witnesses to testify against him, offering them visas and asylum in the U.S. He said that since the U.S. Government had not been able to get either Garcia Catalan or Portillo, he, Contreras, was now the target.

[REDACTED]

Contreras is extremely worried about the progress of the case against him. This is compounded by the fact that many army officers consider him to be entirely to blame for the incident. They believe his failure to accompany the men who went to question [DeVine] was an unpardonable lapse in judgement. Further, they believe that Contreras, who is well-known for his abuse of soldiers assigned to him, probably frightened the soldiers into taking extreme actions in the belief that they would be severely punished if they did not recover the Galil rifle.)

[REDACTED]



[REDACTED]

[REDACTED]

89. [REDACTED]

[REDACTED]

90. April [REDACTED] 1991 Intelligence Report. [REDACTED]

[REDACTED]

he believed  
the U.S. Congress remained skeptical about the social and political  
changes proposed by President Serrano. [REDACTED]

[REDACTED]



91.

[REDACTED]

[REDACTED]

[REDACTED]

92.

[REDACTED]

93.

[REDACTED]

[REDACTED]

[REDACTED]



[REDACTED]

94. April [REDACTED] 1991 Station Report. [REDACTED]

[REDACTED] advised privately by DCM Taylor of an "E-mail" message from DAS Sullivan regarding the DeVine case. The E-mail message said:

Given apparent D-2 involvement by having one of their officers implicated and now, apparently in attempted intimidation, can you tell me what [REDACTED] is doing or cutting off to make the point to D-2 that cooperation is also required from them? Depending on your reply, I am prepared to reinforce the point at high levels here. It is totally inconsistent for us to cut off all [military] aid, while maintaining major [REDACTED] assistance program to an offending branch.

The E-mail message also referred to recent reports that the five suspects under detention who had made sworn statements were being pressured to change their testimony. Some of those involved in applying pressure on them were alleged to be D-2 personnel.

95. [REDACTED] told DCM Taylor that [REDACTED] had long lectured the Guatemalan high command on human rights practices, and that, if indeed there were any D-2 involvement, it was likely to be resolved [REDACTED]

[REDACTED] the S-2 in Santa Elena was not acting on behalf of the D-2 when DeVine was killed, and [REDACTED] had no information to suggest that any attempts to intimidate the suspects were at the behest of the D-2. Taylor stated that he would draw on [REDACTED] comments in his reply to DAS Sullivan.

96. Headquarters replied on April [REDACTED] and stated that this was the first indication it had that State was questioning the propriety of continued [REDACTED] support to [REDACTED] Headquarters suggested [REDACTED] point out to Taylor that Congress had reduced [REDACTED] FY



1991 [REDACTED] in Guatemala by 50 percent, that the DeVine case played a key role in the cut, and that, therefore, a strong message on the DeVine case had already been delivered to [REDACTED]. The Headquarters response also suggested [REDACTED] discuss the intimidation allegations [REDACTED] and make clear that any effort to obstruct the prosecution of those guilty of DeVine's killing would have a calamitous effect on [REDACTED] ability to continue its support [REDACTED]. Headquarters also asked [REDACTED] report back [REDACTED] response, and tell DCM Taylor that this message had been delivered to [REDACTED].

97. There is no record of any response to this Headquarters message or of any discussions [REDACTED] in this context. [REDACTED]

98. April [REDACTED] 1991 Station Report. [REDACTED]

[REDACTED]

Guatemalan Immigration Service [REDACTED] was aware of [the DeVines'] presence in Guatemala from 6 July 1972, when the immigration service requested that they be looked into, apparently because they (DeVine and his wife) gave the appearance of being "Hippies."

[REDACTED] (undated, but written after the murder) [REDACTED] a personality profile of DeVine, which is generally positive, [REDACTED] notes his sometimes aggressive manner and readiness to denounce to the authorities those people in the area where he lived who were involved in narcotics trafficking. The report also notes that DeVine had no criminal record in Guatemala. The report appears to be a standard [REDACTED] investigative report.



██████████ contains nothing that would directly incriminate the army in the crime; this comes as no surprise. ██████████ contains little of relevance regarding the ongoing Embassy investigation of the murder.

100. May 1991 Intelligence Report.

[REDACTED] Cabrera was indirectly responsible for the death because he ordered the investigation of the deserter who allegedly sold his rifle to DeVine. There was no evidence Cabrera intended that DeVine be harmed, but he was responsible for the cover-up and realized



he would be removed from his position should the truth become known.  
[REDACTED] Cabrera was closely linked to former MOD Gramajo, who might be using his influence to protect Cabrera.

101. [REDACTED] Serrano was not satisfied with the D-2 file he had been given. [REDACTED] Serrano was intensely interested in resolving the case and saw it as one of the keys to improving the human rights situation in Guatemala.

[REDACTED]

102. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]



103. May [REDACTED] 1991 Intelligence Report. [REDACTED]

[REDACTED] that Captain Contreras and five noncommissioned officers had been arrested in connection with the DeVine case. Contreras was identified as having issued orders to stage the operation, [REDACTED] not certain whether the order was to kill DeVine, or just to "teach him a lesson." Contreras did not accompany the team on the operation.

[REDACTED] the then-MZ-23 Commander, Colonel Garcia Catalan, was not involved, did not know about the operation, and was not in Peten at the time. In addition, Contreras' immediate superior, MZ-23 S-2 Chief Major Paiz, was not involved. [REDACTED]

[REDACTED] preliminary investigative findings indicated that Deputy Zone Commander Colonel Portillo Gomez had been aware of the operation, but the investigation had not yet determined whether he was more deeply involved.

104. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

105. June [REDACTED] 1991 Intelligence Report. [REDACTED]

[REDACTED]  
[REDACTED] regarding a series of verbal attacks that MOD Mendoza had launched on D-2, the most



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serious of which was his accusation that the D-2 was doing more work for U.S. intelligence agencies than for the Guatemalan Ministry of Defense. Mendoza reportedly said he was going to replace Cabrera as head of D-2 for that reason, that he had recently confirmed his suspicions, and that the D-2 had been providing information to the U.S. Government that had led to the cutoff in U.S. military aid. In particular, Mendoza believed that information that DeVine had been killed by Guatemalan troops had been passed to the United States by the D-2.

106. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

107. May-June 1991 Embassy and [REDACTED] Reports. A May 31 Embassy telegram reported that [REDACTED] [REDACTED] sent an emissary to the Embassy seeking a secret interview to tell "the real truth" and to seek relocation for self-preservation. [REDACTED] claimed, according to the telegram, that he had been asked to act as a scapegoat, had been offered money to do so, and promised that he would be convicted and released shortly thereafter



when the U.S. Government's attention wandered. He was referred to the DeVine family lawyer.


108. The Embassy telegram also stated that the planned FBI polygraph examination of the "new" suspects had still not been approved. Further, the telegram reported that:

On May 31, military court prosecutor Pantaleon informed [the DeVine family attorney] that Col. Julio Roberto Alpirez, former commander of the Poptun "Rangers" training base, wishes to make a sworn declaration confirming that he provided lodging and food to the 7-member death squad the nights of June 6 and 7. If he does, it will be a tremendous breakthrough and in one fell swoop destroy the alibis offered by the five recently-detained specialists.

109. A June 4 [redacted] reported information [redacted] on the efforts of Colonel Portillo Gomez to prove he was being victimized to protect Garcia Catalan, who was MZ-23 Commander when DeVine was killed. [redacted] stated that this was the third reported murder cover-up involving Garcia. In the first two, he was protected by former MOD Gramajo, while he was protected in the DeVine case by Cabrera, a Gramajo protégé.

110. [redacted]





111. June 1991 Embassy and [REDACTED] Reports. June 15 Embassy reporting provided details of a meeting between DCM Taylor and CG and Presidential Chief of Staff Colonel Francisco Ortega Menaldo [REDACTED] to discuss the DeVine case. Key points raised by the Embassy officers were concern that Captain Contreras was free on provisional liberty in spite of sworn declarations and reports that he had threatened one of his accusers; concern that all key Kaibil Base personnel from the period when DeVine was killed, including Colonel Alpirez, had been transferred; the absence of a "Logbook of Occurrences" for the Kaibil Base in which all events such as arrivals, departures, and lodgings for the period March-July 1990 would be recorded; and concern that the DeVine family lawyer was being pressured to quit the case.

112. A June 21 Embassy telegram concerning the investigation reported, among other things, that in a line-up of five accused, a witness had identified two additional individuals as participants in the crime, bringing to four the total positively identified. The telegram also stated that Colonel Alpirez, reportedly on maneuvers, had not responded to three court summons to make a declaration.

113. A June 25 [REDACTED] provided a number of information items concerning the DeVine case:



[REDACTED] the personnel who killed DeVine loading personal gear and rations into a white pickup at the Santa Elena base under the supervision of Contreras, on the afternoon of June 6, and Contreras sending the group off to Poptun.

[REDACTED] immediately after the killing, the chassis and motor numbers of the truck were removed at the Santa Elena base, and the truck was repainted a brownish color. Other alterations were also made, and, about two weeks after the killing, the truck was driven to Guatemala City and turned over to personnel at a D-2 installation. Puntí reportedly stated that he drove the truck and was accompanied by Captain Jose Santos Bohr Avendano.

[REDACTED] had passed by that entrance on June 8 and observed two men waiting there. One of the men fired a weapon toward the feet of the neighbor as a sign he should clear out of the area.<sup>6</sup> The following day, men wearing masks came to the neighbor's farm looking for him. The neighbor saw them from a distance and stayed away until they left. He reportedly has since sold his property and moved away out of fear of reprisal. This suggested to [REDACTED] that personnel at Poptun might be involved in the cover-up because the team that killed DeVine had returned to Santa Elena by the time the masked men appeared at the neighbor's farm.

114. [REDACTED]

[REDACTED] the police/forensic report on the DeVine case. [REDACTED]

[REDACTED] No further information has been found regarding what happened to the police report. [REDACTED]

[REDACTED] State officers would have obtained the report on their own, the FBI was involved, [REDACTED]



115. July [REDACTED] 1991 Intelligence Report. [REDACTED]

[REDACTED] Colonel Portillo had not been in temporary command of MZ-23 in June 1990 at the time of the DeVine killing, as had been claimed earlier. Army Order [REDACTED] stated that Portillo was instead appointed Acting Commander from May 1-21, 1991 while Garcia Catalan was on vacation. [REDACTED]

[REDACTED] the enlisted men who were accused of actually participating in the killing believed their pay had been cut off to pressure them to testify exactly as ordered. [REDACTED]

[REDACTED] it was common knowledge among the officers [REDACTED] that there had existed some kind of personal or business relationship between [DeVine] and zone commander Garcia Catalan. Garcia had visited [DeVine] on numerous occasions and knew [DeVine's] wife. [REDACTED] comment: It is rumored that one of the two parties owed money to the other as a result of a business deal.)

116. [REDACTED]



117. August [REDACTED] 1991 Intelligence Report. [REDACTED]

[REDACTED] the DeVine case was damaging the Army's relationship with the Guatemalan Government and was causing increasing anti-U.S. sentiment among some Army officers. [REDACTED] believed that the killing was the result of the enlisted personnel carrying out their mission in an inappropriately hostile manner and there was no evidence that DeVine was involved in any serious illegal activity. When word of the killing reached military headquarters, there was a debate about the course of action to be taken. [REDACTED] senior officers believed it would be best to cover up Army involvement and "stonewall" any investigation. They reasoned that, if the military admitted the involvement of its personnel, the U.S. Government would react angrily to the killing, which would hurt the Army's image, provide propaganda to the insurgents, and jeopardize military aid. All the events predicted to justify the cover-up came to pass because of it. [REDACTED] Portillo was innocent and knew nothing until after the killing. The allegation that the U.S. Government was trying to buy perjured testimony by offering asylum in the United States outraged officers in general.

118. [REDACTED]

[REDACTED] added a comment during the process of coordinating the report within the Embassy, stating that the allegations of U.S. Government efforts to buy testimony raised the specter that the Guatemalan army was engaged in a disinformation campaign for its own internal consumption. [REDACTED]

[REDACTED]



[REDACTED]

119. [REDACTED]

[REDACTED]

120. August [REDACTED] 1991 Intelligence Report. [REDACTED]

[REDACTED]

[REDACTED] Mendoza has apparently decided to cast Captain Hugo "El Maldito" Contreras to the wolves in the [DeVine] case and has failed to provide promised legal assistance. Contreras had been promised "full support" by Mendoza when charges were first brought against him, including the services of an army lawyer. Sentiment is growing [REDACTED] that Mendoza is totally self-centered and interested only in protecting himself and his position.

121. [REDACTED]

[REDACTED]

[REDACTED]



122.



123.


124.




[REDACTED]

[REDACTED]

125. September 1991 Embassy Report. September 30 Embassy reporting, attributed to the DeVine family lawyer, stated that a military court had ordered the release of Contreras on September 20, and that Colonels Portillo Gomez and Garcia Catalan had been questioned but not detained due to insufficient evidence. It was also noted that the attorney hired by the MOD to represent the officers had delayed the proceedings by insisting that Carole DeVine prove she was DeVine's widow, by requesting that she be required to post a two million quetzal (about \$400,000) bond to indicate that she was serious about pursuing the case, and by introducing false declarations by the manager of the case in Peten to the effect that the DeVine family lawyer and private investigator had tried to bribe him and other witnesses into giving false testimony.

126. October [REDACTED] 1991 Intelligence Report. [REDACTED]

[REDACTED]

Mendoza considered defending the Guatemalan military as an institution as his main mission; [REDACTED]

[REDACTED]

that he was especially upset over pressures on him connected with the DeVine killing.



127. The report was forwarded to Headquarters on October [REDACTED] including the following Embassy comment [REDACTED]

Defense Minister Mendoza's belief that his role is to oppose any meaningful investigation of military misconduct, and his unfortunate assumption that defending the army as an institution mandates the uncritical defense of all its members, are likely to cause some military elements to believe they will continue to be immune from the consequences of their acts.

[REDACTED]

[REDACTED]

128. October 1991 Embassy Report. October 11 Embassy reporting stated that the DeVine family lawyer was informed on October 4 that the military court had denied a formal request that Captain Bohr Avendano and Major Paiz Hernandez be summoned to declare what they knew about the white pickup used by DeVine's killers. A witness, Benjamin Punti Perux, had claimed that Bohr had accompanied him when Punti took the truck to Guatemala City after it had been painted and altered at Santa Elena. Paiz was in charge of the Military Intelligence (D-2) unit in Santa Elena at the time.

129. October [REDACTED] 1991 Intelligence Report. [REDACTED] that Colonel Alpirez had been at the scene of DeVine's killing in June 1990. According to the version sent to Headquarters on October [REDACTED]

[REDACTED]



According to a mid-level Guatemalan military officer who claims direct knowledge of events surrounding the death of [DeVine] in June 1990, Guatemalan soldiers from the Military Intelligence office (S-2) of Military Zone 23 (MZ-23), headquartered in Santa Elena, Peten Department, were ordered to arrest and interrogate [DeVine] on suspicion of having in his possession a stolen Guatemalan army rifle, allegedly sold to him by an army deserter. MZ-23 commander Colonel Mario Roberto Garcia Catalan ordered Captain Hugo Contreras, an officer attached to the S-2, to take a number of enlisted men to the area of Poptun, Peten Department, locate [DeVine] and recover the Galil rifle. [REDACTED] comment: Garcia had earlier been blamed for the loss of other weapons under similar circumstances, a serious black mark on his record.) Contreras arrested [DeVine] and took him to the Guatemalan military base of the elite "Kaibil" troops, and at that time it was under the command of Lt. Colonel Julio Roberto Alpirez.

[DeVine] was interrogated by Contreras with Alpirez present. Contreras, a violent man with an explosive temper, well-known for his brutality, wrapped a poncho around [DeVine's] head, allowing him to breathe from time to time. Although Contreras had apparently not been ordered to kill [DeVine], [DeVine] died either from suffocation or heart failure. After he died, the body was taken in a truck back to a highway near his home, where it was placed in the road. The rifle, allegedly in [DeVine's] possession, was not recovered. ([Station] comment: The wound on [DeVine's] neck may have been inflicted to hide evidence of the earlier suffocation.)

130. [REDACTED]


Lt. Colonel Alpirez, now posted at MZ-18, headquartered at Malacatan in San Marcos Department, is an extremely violent man who has murdered guerrilla prisoners in the past. He recently has been observed engaging in bizarre behavior, such as walking through the town where he is currently stationed, exposing himself, and firing weapons in the air. Colonel Garcia, the officer who ordered Captain Contreras to arrest DeVine, has a personality similar to that of Alpirez and also has murdered guerrilla prisoners. Colonel Guillermo Portillo Gomez, the second in command of MZ-23 at the time of the murder, also is a violent person.

Following DeVine's murder, Alpirez made an official statement in which he admitted certain aspects of the crime but carefully shielded his own participation. Minister of Defense General Luis Enrique



Mendoza Garcia, incensed by Alpirez's statement which, if accurate, pointed to army involvement in the killing, ordered Alpirez to retract it. Alpirez refused to do so unless given a written order. Mendoza then removed Alpirez from his command of the training base and sent him to a dangerous, remote post in San Marcos. Alpirez then thought better of his defiance and requested permission to retract the statement but, as of mid-October 1991, remained posted to San Marcos. Minister of Defense Mendoza is responsible for blocking all efforts to investigate the killing, believing that he is responsible for defending the army as an institution.

131. The disseminated version contained one substantive change in the text. As noted above, the intelligence report submitted by the Station contained as the first sentence in paragraph 4, "[DeVine] was interrogated by Contreras with Alpirez present." In the disseminated version, the sentence was altered to read, "Alpirez, among others, was present when Contreras interrogated [DeVine]." No information has been found to indicate what Headquarters was trying to achieve by reversing the order of the sentence and inserting "among others" into the original report.



132.   


133.   
  




[REDACTED]

134. In both the October [REDACTED] intelligence report and the operations cable the Station noted that two different versions of the circumstances of DeVine's killing had been disseminated earlier by the Agency in August [REDACTED] 1990 and April [REDACTED] 1991 intelligence reports. The Station requested a copy of the August 1990 report for comparison purposes, noting that Station file holdings were minimal. [Note: The August 1990 report was [REDACTED] to the effect the military was involved and covering it up. The April 1991 report [REDACTED] and described the killing of DeVine by soldiers dispatched by Contreras to question him about a missing rifle.]

135. Over the following days, Headquarters and the Station debated how to [REDACTED] of the October [REDACTED] information and other points. Also, Headquarters advised the Station that there was a separate legal obligation to "report the facts of the case to the appropriately cleared individuals at the Department of Justice."

[REDACTED]

136. [REDACTED]

[REDACTED]

[REDACTED]



[REDACTED]

[REDACTED]

[REDACTED]

137.

[REDACTED]

[REDACTED]

[REDACTED]



138.





[REDACTED]

139.

[REDACTED]

[REDACTED]

140.

[REDACTED]

[REDACTED]

[REDACTED]



[REDACTED]

141.

[REDACTED]

142.

[REDACTED]

[REDACTED]


143.

[REDACTED]

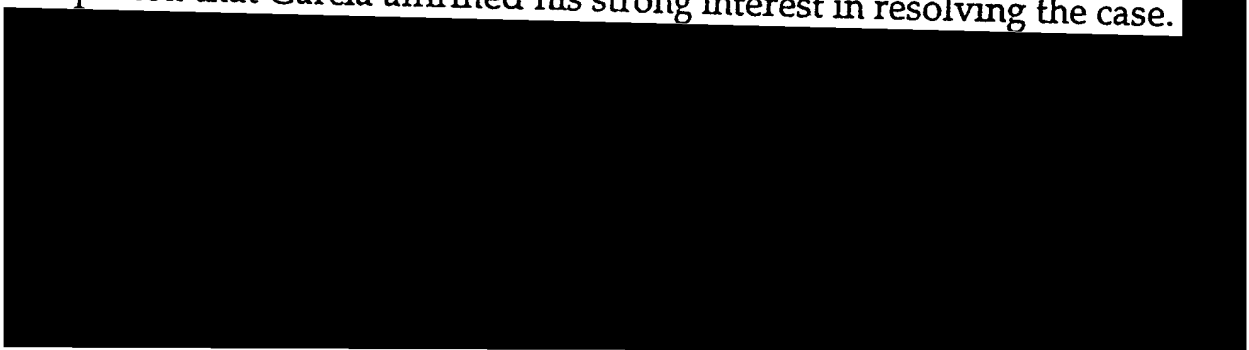
144.

[REDACTED]





145. December 1991 Embassy and DAO Reports. The Embassy reported on December 9, 1991 that Serrano had announced on December 6 that MOD Mendoza was being replaced by Gen. Jose Domingo Antonio Garcia Samayoa and Army COS Godoy was being replaced by Gen. Jorge Roberto Perussina Rivera. The Embassy noted that, by Guatemalan standards, the new MOD was progressive and this gave hope that the DeVine case would move forward. Ambassador Stroock and [REDACTED] met with the new appointees shortly thereafter, reported that they were saying the right things regarding the DeVine case, and expressed renewed encouragement. Later in December, the Chargé d'Affaires and [REDACTED] met MOD Garcia and reported that Garcia affirmed his strong interest in resolving the case.



146. December 21, 1991 Intelligence Report. [REDACTED]

Serrano had dismissed MOD Mendoza due to his continued blocking of investigations of several human rights cases, including those of DeVine and Diana Ortiz, an American nun who allegedly had been tortured and raped. [REDACTED]



~~SECRET~~

Serrano hopes that Mendoza's dismissal eventually will help alleviate international pressure on Guatemala regarding the military and human rights issues. Serrano further hopes that the new Minister of Defense Garcia Samayoa will be more responsive to his wishes and will understand that Serrano runs the country and the Army. Garcia Samayoa already has promised Serrano that he will immediately advance the investigation surrounding [DeVine] per Serrano's instructions. [REDACTED] comment: Garcia was selected principally based on Serrano's trust in him and his outstanding military credentials within the Guatemalan Army.)

147. [REDACTED]

[REDACTED] It was disseminated [REDACTED]

NSA;  
State, INR;  
DIA;  
Treasury;  
White House Situation Room;  
USCINCSO;  
Embassy, Guatemala; and  
[REDACTED]  
[REDACTED]

148. December [REDACTED] 1991 Intelligence Report. [REDACTED]

[REDACTED] that  
Serrano relieved him for failing to resolve the DeVine case, failing to improve the military justice system, and because of pressure put on Guatemala by the U.S. Government.



149. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

150. December [REDACTED] 1992 Station Report. COS [REDACTED] [REDACTED] had accompanied the Chargé and the DAIT to brief new MOD Garcia Samayoa on the DeVine case. The COS noted that the meeting was cordial, and that Garcia had emphasized he wished to bring the perpetrators to justice to prevent the "institution" from receiving further unjustified blame.

151. January-March 1992 Embassy Reports. A January 21, 1992 Embassy telegram stated that press reports indicated that the Fourth Appellate Court had ordered the re-detention of Captain Contreras, and expressed the view that this was a positive sign. The telegram noted that, in addition to the new MOD's apparent willingness to resolve the DeVine case, the military tribunal also had a new president, replacing the previous president who was an academy classmate of Colonel Garcia Catalan. In a separate cable to Headquarters, the Station also reported the re-arrest of Contreras.



152. Secretary of Defense Richard Cheney visited Guatemala in mid-February 1992, and the DeVine case was among the issues he discussed with Serrano, the MOD and the Human Rights Ombudsman, Ramiro De Leon. A February 28 Embassy telegram provided summary comments on those contacts and some detailed justification for maintaining an active International Military Education and Training (IMET) program. Among other points, the telegram noted that, although progress had been very slow in the DeVine case, the overall improvement in the military's human rights performance was attributable to the IMET program training; that continued withholding of IMET funds would be a new sanction imposed at a time when the Guatemalan human rights situation was moving in the right direction; and that it was considered essential to maintain an open channel with the Guatemalan military.

153. The Embassy reported on March 4, 1992 that the CG, [REDACTED] and DeVine family lawyer had met with Army COS Perussina to brief him on the DeVine case. They highlighted to him actions the Ministry of Defense could take to resolve the DeVine case promptly: 1) provide the court a full and accurate report of the Army's investigation of the murder; 2) instruct Colonel Alpirez to give an honest and complete declaration about what he knew of the case; 3) instruct the military judge to obtain declarations from other active duty and former military members who had been identified as having relevant knowledge; 4) order Army assistance in locating and arresting the two discharged military members who allegedly formed part of the death squad; 5) secure the release of the four members of the first group who were innocent; and 6) instruct the attorney hired by the Army to represent the second group not to delay the process with frivolous appeals. The DeVine family lawyer stressed that neither he nor Mrs. DeVine had any interest in damaging the Army as an institution, nor did they plan any additional judicial action against those involved in the cover-up. This promise was stated to be particularly pertinent to Alpirez, as his candid declaration could provide all the evidence necessary to convict the guilty parties. The interview was viewed as very positive and progress was anticipated.



154.



155.





[REDACTED]

[REDACTED]

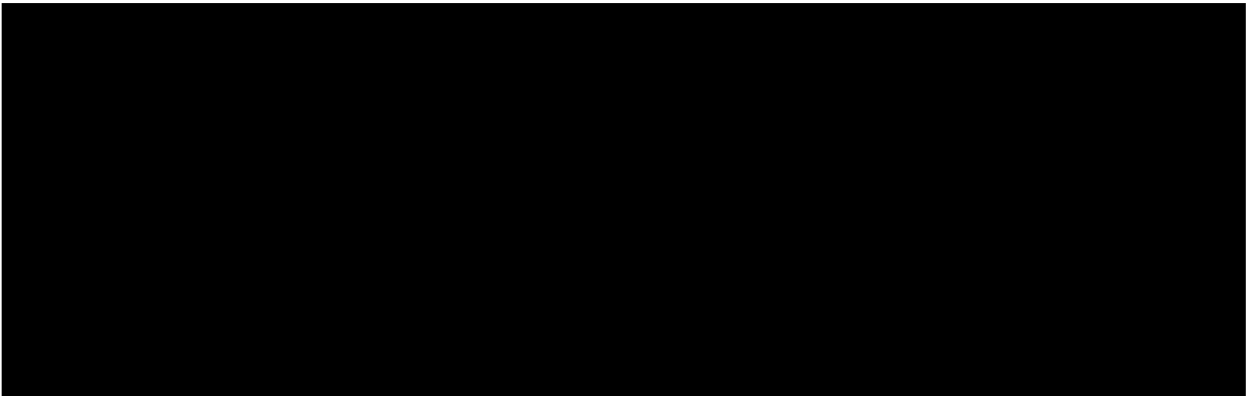
[REDACTED]

156. March-April 1992 Embassy and [REDACTED] Reports. A March 21, 1992 human rights summary from the Embassy stated that political officers had interviewed a truck driver on January 24 who said he was working near the crime scene on the day of the murder. The truck driver claimed to know nothing of the murder, but said he spent a year in a Peten jail after police found an old receipt bearing his name near where DeVine's body was found.



157. The Embassy reported on March 25 that Ambassador Stroock, accompanied by the CG and [REDACTED] had met with MOD Garcia who told them he had initiated a new internal investigation into the DeVine case, that he had personally listened to Colonel Alpirez's version of events, and that other Army personnel also had been questioned. The MOD said that the results of this investigation would be provided to the Staff Judge Advocate. The CG invited the MOD to visit the DeVine tourist ranch and Garcia said he would be pleased to visit. He asked the [REDACTED] to help coordinate the visit with his staff.



158. [REDACTED]


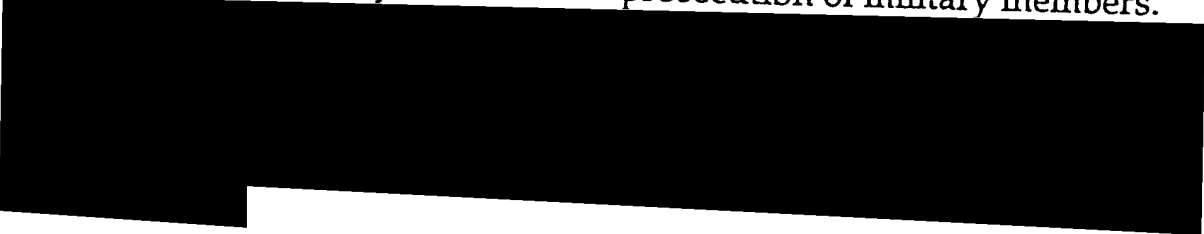




159. The Embassy reported on April 27 that DAS Sullivan had met with MOD Garcia during Sullivan's visit to Guatemala. In that meeting, MOD Garcia told Sullivan that he was convinced after personally speaking with Captain Contreras, Colonel Garcia Catalan and Colonel Portillo Gomez that the DeVine killing was not ordered.

160. April  1992 Station Report. 

 the military should allow some of the military officials implicated in "less significant" human rights cases to be prosecuted in order to eliminate the Army's image of covering up the facts and protecting its own. 

 cited the DeVine case as an example of a "less significant" case where the military should allow prosecution of military members. 



161. May-June 1992 Embassy and [REDACTED] Reports. In late May and early June 1992, the Embassy and [REDACTED] reported developments in the DeVine case. As characterized by a comment in [REDACTED]

[REDACTED]

♦ [REDACTED]

♦ [REDACTED]

♦ [REDACTED]

♦ [REDACTED]

[REDACTED]

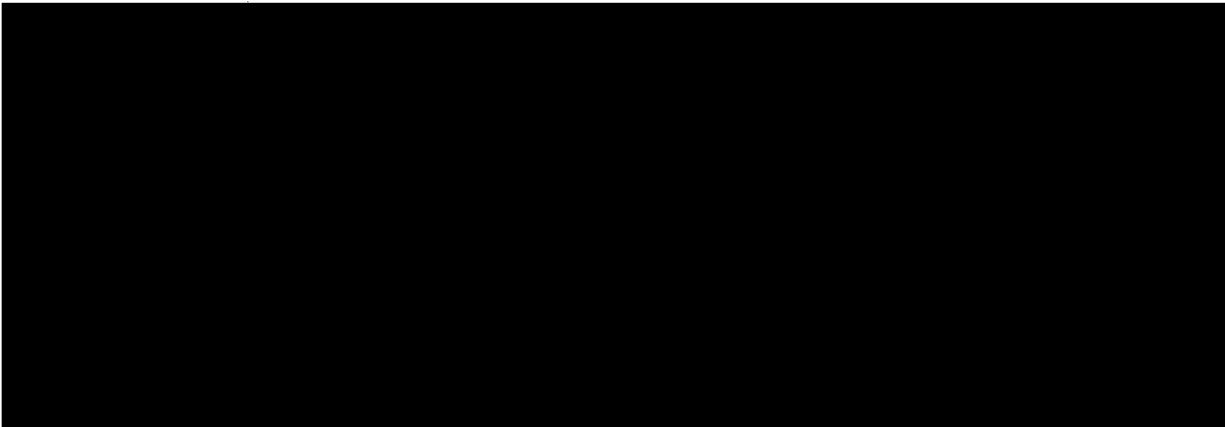
162. [REDACTED]

[REDACTED]

163. August-September 1992 DAO and Embassy Reports. [REDACTED]

[REDACTED]






164. In a September 1 human rights summary for July and August, the Embassy reported that Rafael Tiul Cucul testified on August 25 in the trial that Contreras and three other soldiers had ordered the capture and murder of DeVine. Also on September 1, the Embassy reported on an August 31 meeting between MOD Garcia and Ambassador Stroock, the Consul General and DATT. Stroock raised several concerns about the trial, including a report that Contreras had made a threatening comment to the DeVine family lawyer in front of two witnesses. The meeting was described as cordial, but it was noted that the trial outcome was awaited with unease. After the meeting, Stroock told Garcia the Embassy was fully aware of the extent of Contreras' involvement in the murder, and it would be unfortunate if he went unpunished. According to the Embassy summary, Garcia "indirectly suggested" that other officers had not acted correctly, and named Alpirez and Garcia Catalan.

165. On September 8, 1992, the Embassy indicated that a verdict was expected on September 25 and that, if Contreras were to be found innocent or let off lightly, the Embassy would ask the MOD to support an appeal by Mrs. DeVine. If Contreras were to be convicted and receive an appropriate sentence, the Embassy asked for a prompt decision on reopening the military aid pipeline.

166. 







167. September 18, 1992 Embassy Report. On September 18, 1992, the Embassy reported on the Guatemalan court's reconstruction of the killing, and other developments. One pertinent part read as follows:

Despite the fact that the post log book covering the June 1990 period had disappeared and was not presented at an earlier legal inquiry last year, miraculously in its place this time appeared some loose leaf sheets of paper purporting to cover that time period. Close questioning of former base commander Col. Alpirez revealed he had no knowledge of how such reports might have been prepared and typed, and Alpirez made a fool of himself in front of Judge Advocate Pantaleon. Not surprisingly, these loose sheets indicated there was no Toyota truck entering or leaving the base, and no room and board provided to the accused enlisted men. Nonetheless, Rafael Tiul Cucul (the member of the first group of detainees who we believe was part of the death squad and the nearest thing to a State's witness in this case) indicated with many details a knowledge of the base from his June 1990 trip, including where they had been housed and fed. Additionally, Tiul Cucul was recognized by one of the waitresses at the mess hall.

168. According to the September 18 Embassy report, in the re-enactment of the killing, two witnesses recognized two of the defendants as having been at the farm with the white pickup on June 8, but two other witnesses failed to provide hoped-for testimony, probably out of fear. The Embassy report also described Captain Figueroa, the Santa Elena representative of the Judge Advocate's office, as extremely biased in the case, and said that Figueroa counseled Contreras and the five accused enlisted men not to cooperate in the two-day reconstruction of the crime. When Figueroa asked Pantaleon why he was present and was told it was on direct orders of the MOD, Figueroa responded that he did not care what the MOD ordered. The Embassy report also stated:



In a continuation of the evidentiary process, on Sept 14 Alpirez was summoned to make his sworn declaration at the judge advocate's office in the capital. In conformance with MOD Garcia Samayoa's instructions, he appeared on time. However, once again he lied about what he knows, claiming the accused were never on his base, nor was the famous white Toyota.

169. September 1992 Annual Station Plan. [REDACTED]

170. September 1992 Embassy Reports. The Embassy reported on September 23 that the DeVine family lawyer had called a surprise witness on the last day of the evidentiary period, and that the witness's testimony was so incriminating that he was immediately removed from Guatemala to protect his life after testifying and would be resettled in the United States with his family. The witness, Mario Batz Peruch, was an enlisted man who had been assigned to the Kaibil Base for over three years. His testimony placed the white pickup and seven men from the Santa Elena base, four of whom he knew personally, at the Kaibil Base on June 7. Two key paragraphs of the Embassy report stated:

On June 8 (the day of the murder) at 5 a.m. Batz Peruch saw the pick-up leave the Poptun Base being driven by Daniel Tolon Rodriguez (one of the accused), carrying the same group of people he had seen over lunch the previous day. The pick-up returned to the base about 11:00 a.m. with the same group aboard, and left again at 1:00 p.m. About 30 minutes later Batz Peruch saw the pick-up parked in the town of Poptun. At that moment he noticed Mike DeVine, whom he knew personally, driving his van towards the pick-up. As DeVine passed the pick-up, the pick-up started following DeVine's van. The two vehicles were then lost from the witness's sight. However, Batz Peruch saw the pick-up, with the same driver and occupants, re-enter the base at about 5:30 p.m., load up some overnight bags and a 20-gallon blue plastic container. He didn't see the pick-up after that, but remembered these incidents in such detail because the following day he learned of



DeVine's murder. Throughout this time, the occupants of the pick-up were dressed in civilian clothes.

Batz Peruch's testimony also states that Col. Alpirez was on the base during those days and that because of normal base reporting procedures Alpirez must have known about the presence of the truck and men from the Santa Elena Base. Furthermore, as Batz Peruch himself left and re-entered the base several times during that time period and the guards at the front gate wrote down his comings and goings as usual, he believes the comings and goings of the white Toyota pick-up from the Santa Elena base would similarly have been recorded in the log book.

171. The Embassy reported on September 29, 1992 that Ambassador Stroock had told Attorney General Acisclo Valladares during a September 28 meeting that it was important that Alpirez be prosecuted for having been at the forefront of the cover-up effort. Valladares called Stroock the next day, September 29, to tell him Contreras had "gotten off" but that he would appeal that verdict as well as the conviction of one enlisted man who had turned state's evidence. That man, Tiul Cucul, and five other enlisted men were sentenced to thirty years.

172. 



[REDACTED]

173. [REDACTED]

[REDACTED]

[REDACTED]

174. October 1992 Station Report. [REDACTED]

[REDACTED]

[REDACTED] Valladares' anti-Army stance on human rights and corruption. Valladares had been a great annoyance to the military in his pursuit of military corruption and the DeVine case.

175. An October 14, 1992 [REDACTED] message reported [REDACTED] provided an update on the DeVine case. [REDACTED] stated that Captain Figueroa, the MZ-23 Santa Elena Judge Advocate's Office representative, who had interfered with the reconstruction of the killing, had been removed from the Army by the MOD for his interference in the case. [REDACTED] also stated that there was now a review process regarding Contreras and that two new charges--failure to report a crime and coverup of a crime--were to be considered against him. As for Alpirez and Garcia Catalan, the [REDACTED] message said:



Unfortunately, [REDACTED] did not give the Consul General nor the [REDACTED] any reason to feel confident that the Army will initiate coverup charges against Colonels Alpirez or Garcia. If in fact such charges are not made, [REDACTED] would then suspect that both Alpirez and Garcia did notify higher authorities at the time (read-MOD General Bolanos) about DeVine's murder at the hands of Army specialists, and that higher authority also ordered them to do no more and to keep their mouths shut. Regardless, the office of the Attorney General and Mrs. DeVine's attorney both intend to request of the appellate court that it instruct the lower court--the military tribunal--to initiate coverup charges specifically against Alpirez.

176. [REDACTED]

[REDACTED]

177. October-December 1992 DAO and Embassy Reports. On October 24, 1992, the [REDACTED] reported [REDACTED]

[REDACTED]

There were also rumblings of a possible coup against Serrano because much of the military was beginning to lose faith in the democratic process.

178. On December 3, 1992, the Embassy reported that Attorney General Acisclo Valladares, described as Guatemala's most effective Attorney General in recent memory, had been toppled by powerful



enemies who accused him of covering up his brother's purported efforts to defraud two wealthy aunts. The Embassy listed among those enemies the military leadership that was angered by Valladares' pursuit of military suspects in the DeVine and other human rights cases.

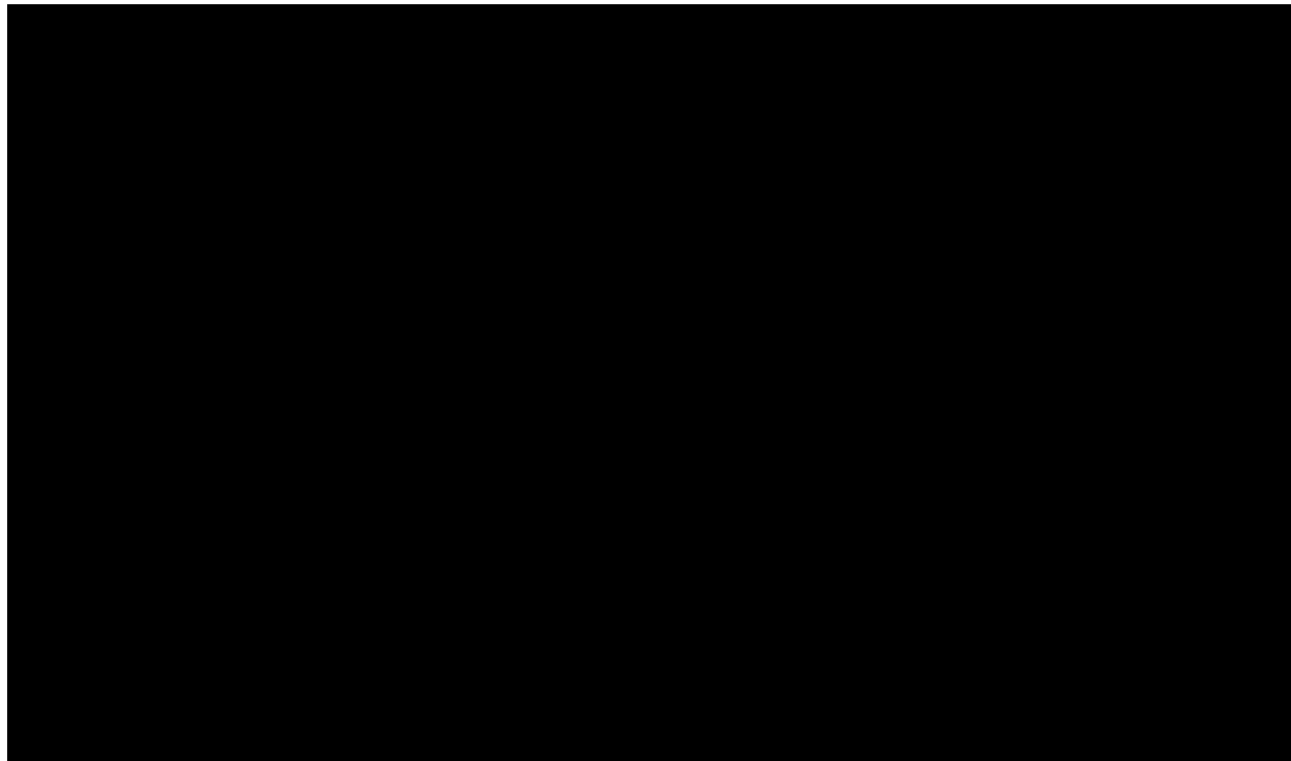
179. The [REDACTED] commented on December 9 on recent changes in the Guatemalan Army, including Garcia Catalan and Portillo Gomez. The MOD had told Ambassador Stroock that the careers of all officers connected with the DeVine case would not prosper. Nonetheless, Garcia Catalan was restored to command of a military zone less than a month after Stroock's departure. Portillo Gomez, however, was moved from command of one military zone of little importance to another, indicating that his career had stagnated.

180. [REDACTED]

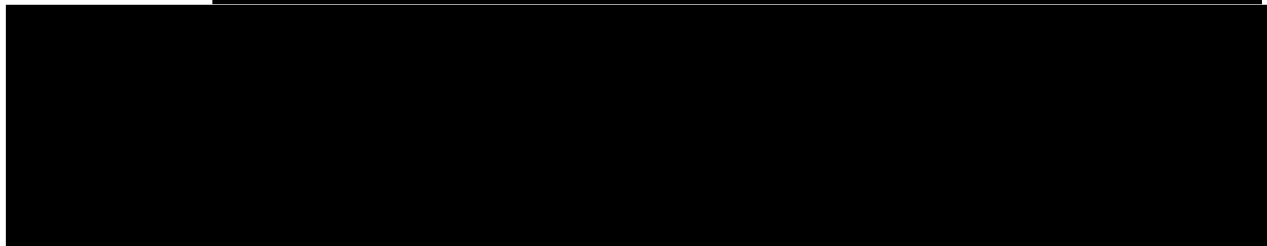
181. February-March 1993 Embassy and [REDACTED] Reports. Both the Embassy and [REDACTED] reported on the DeVine prosecution appeal process in February and March 1993. The prosecution was seeking confirmation of the 30-year sentences for all but one of those convicted. The exception was the one individual who had turned state's evidence, and a reduction in whose sentence was to be sought. Conviction of Captain Contreras, who had been acquitted, was also sought. The court's decision was expected to be available in April.

182. [REDACTED]

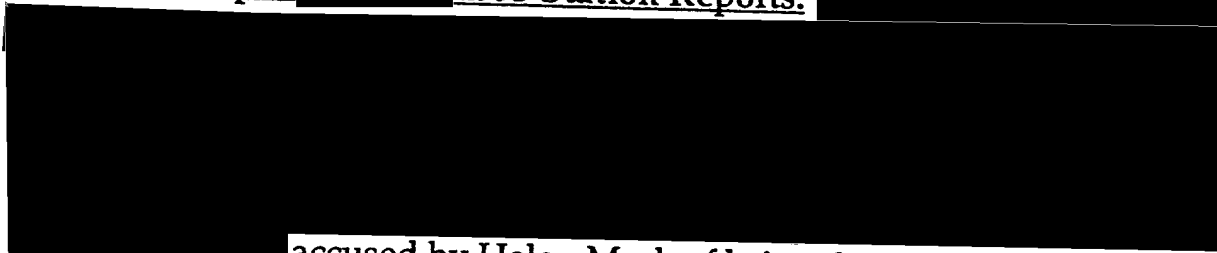




183. [REDACTED]



184. April [REDACTED] 1993 Station Reports. [REDACTED]



[REDACTED] accused by Helen Mack of being the "intellectual authors" of Myrna Mack's death, [REDACTED] confident that the Guatemalan Supreme Court would deny any motion to reopen the investigation and charge [REDACTED] denied any knowledge of or participation in any human rights violation. [REDACTED] fully expected, however, to be investigated by a Commission of the Past/Truth Commission, and [REDACTED] could not discount the possibility that [REDACTED] intelligence officers might be accused of being the "intellectual authors" of various and



assorted crimes that the URNG (The Guatemalan National Revolutionary Union, the umbrella insurgent organization) might attempt to attribute [REDACTED]

185. April-May 1993 Embassy and [REDACTED] Reports. Through late April and mid-May 1993, the Embassy and [REDACTED] sent several messages updating developments in the DeVine trial. On May 11, the court confirmed the convictions and 30-year sentences of the six Army enlisted men. It also convicted Contreras and sentenced him to 20 years, but Contreras escaped from custody the same day the sentence was announced. The Embassy commented that the convictions were a landmark for the Guatemalan justice system but that, if Contreras were not recaptured, his escape would undo any benefits that might have accrued to the Army as a result of the resolution of the DeVine case in court.

186. May 1993 Station Report on [REDACTED]

The Station stated:

There is considerable disinformation and rumor in Guatemala concerning human rights violations and at the first sign of a potential human rights problem [REDACTED] and/or the Military are immediately held to blame, rightly or wrongly. Therefore, Station will investigate all accusations/reporting of human rights violations [REDACTED] [REDACTED] contacts to determine the veracity prior to reporting the details to Headquarters. If we determine that there is a good possibility [REDACTED] contact being involved we will report the details to Headquarters for guidance and appropriate follow up.

187. [REDACTED]



[REDACTED] had denied in April 1993 any knowledge of or participation in human rights violations, [REDACTED] fully expected that a Commission of the Past/Truth Commission would investigate [REDACTED] and other officers might be accused of various crimes the URNG might try to attribute [REDACTED]

188. May 1993 Intelligence Reports. In May 1993, the Station reported information [REDACTED] on various aspects of the Contreras escape, the search for him, and unrest in the military over Contreras' treatment. [REDACTED]

189. [REDACTED] information was reported in a May 1993 Station operational cable to the DO at Headquarters [REDACTED]

[REDACTED] that Contreras [REDACTED] after picking up DeVine in June 1990, he advised the military General Staff "through channels" that he had DeVine in custody and asked for instructions. Contreras said he had received an order in response stating that he should "do whatever it takes to resolve the situation." [REDACTED] the order meant to do whatever was necessary to recover the missing rifle, that "through channels" meant he had received the order via D-2 channels, and that, since then-D-2 Director Colonel Cabrera would not have had the authority to issue the order, it must have come from the General Staff.



[REDACTED]

[REDACTED] speculated that Contreras was now dead or would be killed to prevent his revealing what he knew about DeVine's death.

190. May-June Embassy Reports. In late May 1993, President Serrano suspended constitutional guarantees, saying that narcotics traffickers and others had succeeded in infiltrating major institutions of the state and he was taking exceptional measures to deal with this threat to national security. This effort failed, however, elections were held, and former Human Rights Ombudsman Ramiro De Leon Carpio was elected President. On June 11, MOD Garcia Samayoa retired and was replaced by Major General Perussina Rivera. A new U.S. Ambassador, Marilyn McAfee, arrived in Guatemala City. As the U.S. relationship with the new Guatemalan Government was developing, it was made clear to the Guatemalan Government that recapture of Contreras and final resolution of the DeVine case remained a basic requirement for any consideration of restoration of military aid. On June 28, MOD Perussina was retired and replaced by General Mario Enriquez.

191. December 1993 Station Report. In December 1993, the Station advised Headquarters that the DeVine/Contreras case was again a major Embassy issue, with the D-2 in particular, and that Ambassador McAfee had suggested that, if action on the Contreras case were not resumed to her liking, she would press for suspension [REDACTED] support to the D-2.

[REDACTED]



[REDACTED]

192. March [REDACTED] 1994 Intelligence Report. [REDACTED]

[REDACTED] remarks made by MOD Enriquez Morales regarding the continued investigation into DeVine's killing. [REDACTED] Enriquez had received a formal letter from the U.S. Embassy that "almost demanded" to know what was being done to resolve the case. Enriquez told the officers that he considered the case closed, and the officers were unanimous in voicing their disapproval of this U.S. interference in Guatemalan internal affairs. [REDACTED]

[REDACTED]

193. [REDACTED]

[REDACTED]

[REDACTED]



[REDACTED]

194. [REDACTED] May [REDACTED] 1994 [REDACTED]

[REDACTED]

[REDACTED] why the Embassy or the U.S. Government was pushing so hard for the Guatemalan Government to find and punish Contreras when the Guatemalan Government had already found Contreras guilty. [REDACTED] view was that the guilty verdict alone should have appeased the U.S. Government, and that the evidence upon which Contreras was convicted would never have yielded a guilty verdict in a U.S. court, or any court free to judge the evidence without having political pressure applied.

195. August [REDACTED] 1994 Intelligence Report. [REDACTED]

[REDACTED]

[REDACTED]



[REDACTED]

196. The Embassy attached the following comment to the cable during the coordination process:

Since January 1, 1994, there have been two relatives of DeVine witnesses murdered (one civilian and one soldier) and another (a soldier) shot in the leg. Additionally, two other relatives with previous army experience have been targets of intimidation. One of these relatives and his family live in a safehouse provided by the Archbishop's human rights office. We believe that the timing of these events, which have occurred during the ongoing appeal by the convicted DeVine killers, the number of instances and, in one murder, the degree of torture inflicted (tongue cut off, hands butchered, "Tiro de gracia" to the head) lead us to the conclusion that persons unknown (but probably related to the military) who are not pleased with the U.S. Government role in the DeVine matter are a threat to the witness relatives still in Guatemala.)

197. [REDACTED]

[REDACTED]

198. [REDACTED]



[REDACTED]

199. [REDACTED]

[REDACTED]

[REDACTED]

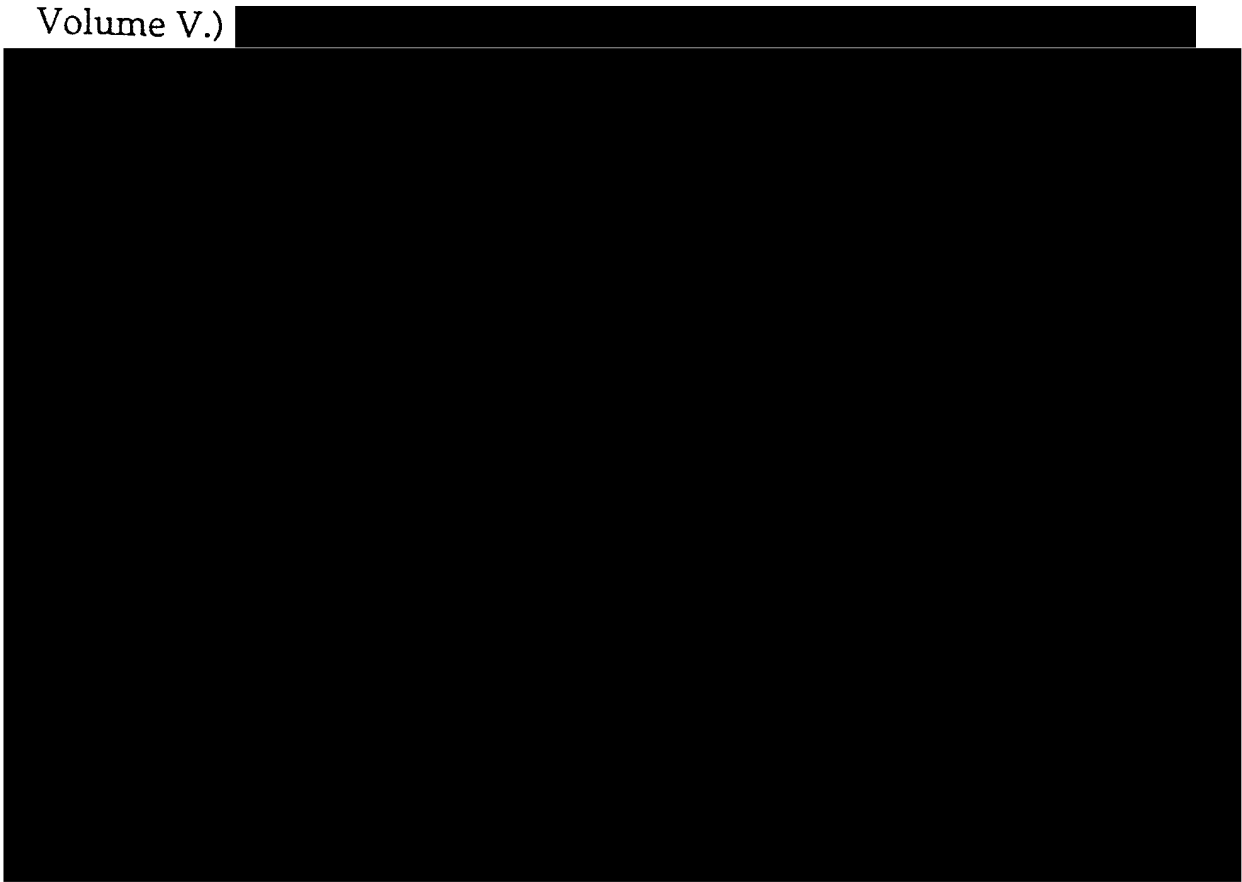
[REDACTED]

200. January 25, 1995 Intelligence Report. [REDACTED]  
[REDACTED] linking Alpirez to the death of  
insurgent leader Efrain Velasquez Bamaca was disseminated [REDACTED]  
[REDACTED] (For detailed discussion of that information, see



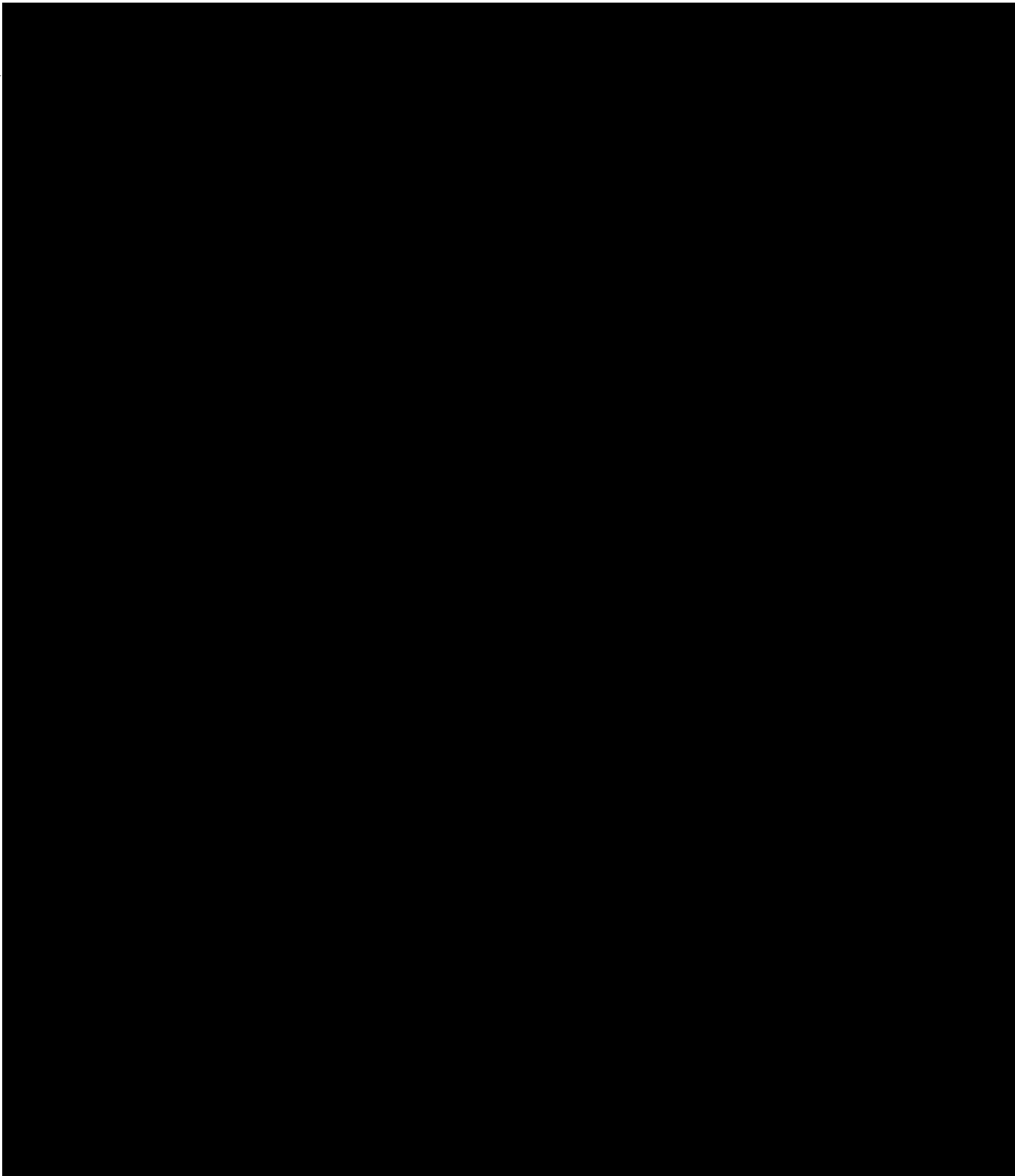
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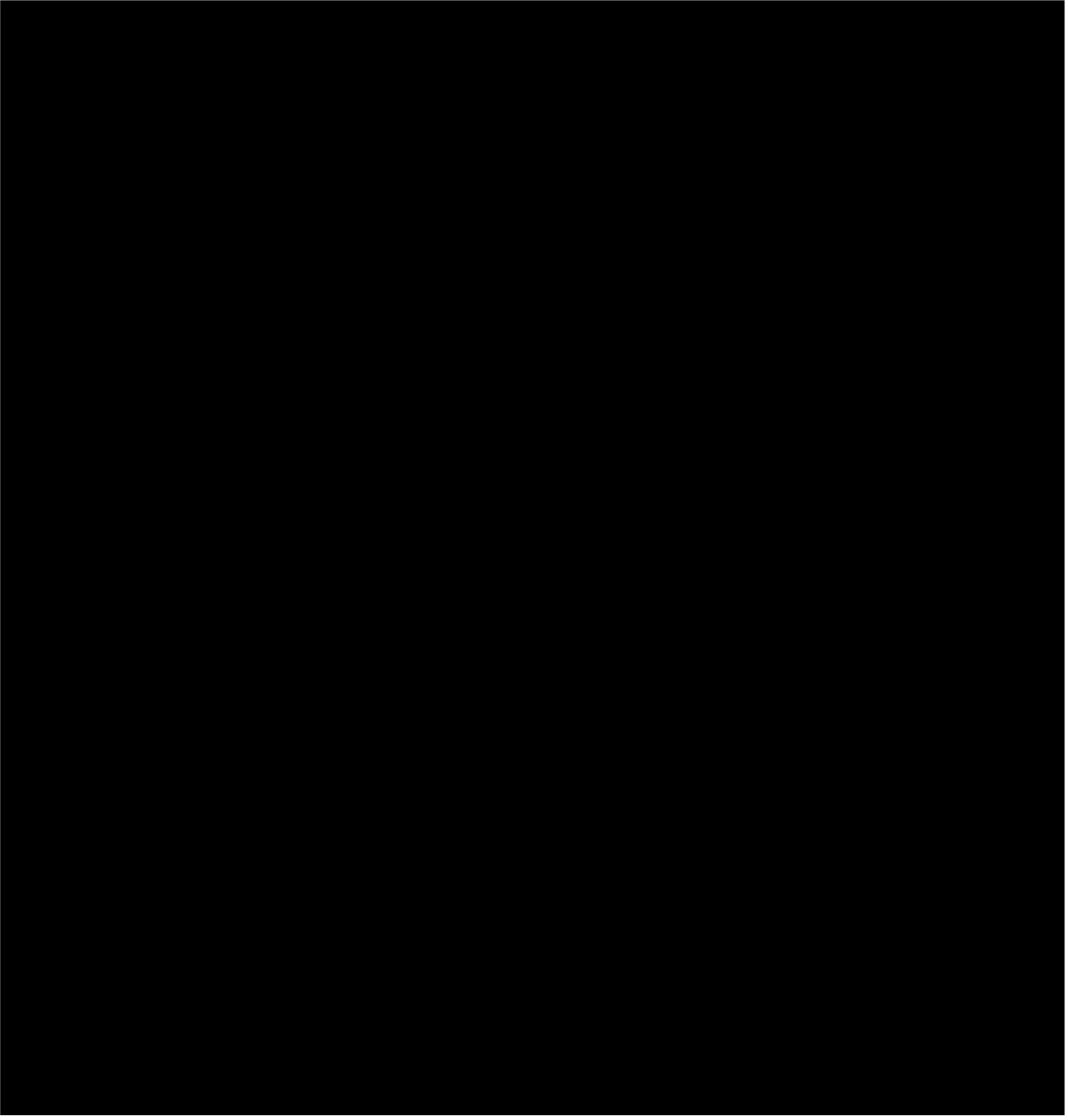
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## Chronology



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Late August	Stroock pressures President Cerezo to resolve DeVine case. Cerezo's anger over meeting is reported by Station.
September 9	Embassy reports that Cerezo admitted that members of security forces may have killed DeVine--promises investigation.
September 10	██████ reports DeVine was killed by personnel from Santa Elena.
September 21	Guatemalan judge issues a warrant for arrest of suspects in DeVine's killing.
October ██████	Station reports ██████ stated that men had been sent to surveil DeVine, to recover two rifles stolen by deserters, the issue got out of hand and resulted in DeVine's killing.
October 8	DeVine case is turned over to military court.
December ██████	Station learns ██████ had not received instructions to pursue investigation and that MOD was an obstacle. State Department prepares to act against Government of Guatemala for inaction.
December 21	Charge' meets with presidential spokesman to express concerns over lack of progress and cover-up. Charge' mentions that State Department would announce an immediate suspension of assistance to Guatemalan armed forces.
1991	
January 6	Jorge Serrano elected President. Stroock and ██████ discuss DeVine case with Serrano and tell him the Military was involved in the killing and the MOD is blocking the investigation. Serrano is told DeVine case is an important human rights issue.
Late January	Stroock gives Serrano five human rights-related benchmarks to complete before military aid can be restored--first condition is substantial movement on the DeVine case.
March 8	Embassy reports military detainees issued sworn statements implicating Colonel Gomez and Captain Contreras as ordering DeVine's kidnapping and death. Sworn statements indicated personnel left Santa Elena on June 6; lodged at Kaibil base; June 7th surveilled DeVine farm; June 8th picked-up DeVine; killed DeVine approximately 5:30 p.m.; returned to Santa Elena about 9:00 p.m. June 8.



April [REDACTED]	Station reports [REDACTED] D-2 sought to obtain rifles stolen by deserters. Cols. Garcia and Portillo were higher officers in charge of the operation and Contreras was directly in charge. NCOs and soldiers were assigned to locate and interrogate DeVine and to return the weapons. DeVine refused to answer questions and was killed by an NCO. Military believed the situation had gotten out of hand.
April [REDACTED]	[REDACTED] that DeVine case was holding up economic assistance money.
April [REDACTED]	[REDACTED] on DeVine's killing. [REDACTED] contains no information that would incriminate the Military.
Late May	Contreras and five NCOs are arrested.
May 31	Embassy reports the military prosecutor stated that Alpirez wished to declare the seven member death squad were given food and lodging on June 6 - 7.
June 8	[REDACTED] cable reports that Contreras was acquitted.
June 25	[REDACTED] cable reports [REDACTED] who reported observing personnel, the pickup truck, surveillance of DeVine, threats to witnesses.
July [REDACTED]	[REDACTED] a copy of the police/forensic report on DeVine case.
August [REDACTED]	Station reports information from [REDACTED] that DeVine was killed by enlisted personnel who carried out their mission in an inappropriately hostile manner. Senior military officers feared the USG would react angrily and thought it would be best to "stonewall."
September 30	Embassy reports Contreras released, Portillo and Garcia not detained.
October [REDACTED]	[REDACTED] MOD Mendoza considers defending the Army as an institution as his main mission.
October [REDACTED]	Station reports information [REDACTED] that Alpirez was present at the interrogation of DeVine, and that DeVine died of suffocation or heart failure during interrogation. Report also [REDACTED] who commented derogatorily on Alpirez's character and behavior.
[REDACTED]	[REDACTED]



Mid-Late October	Station and Hqs discuss inconsistencies in accounts of DeVine's death [REDACTED]
November 18-19	Allegations [REDACTED] discussed with DoJ and crimes report sent by General Counsel to DoJ.
December 21	[REDACTED] Serrano relieved MOD Mendoza for failing to resolve the DeVine case and for blocking investigation of cases involving U.S. citizens.
December [REDACTED]	Charge', [REDACTED] and [REDACTED] meet with new MOD Samayoa--state that United States wants justice.
1992	
Mid January	Local newspaper reports that Court of Appeals ruled there was sufficient evidence to order the arrest of Contreras.
March 4	Embassy reports Consul General and [REDACTED] met with Army COS and discussed what would resolve case, including Alpirez's testimony.
[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]
March 25	Embassy reports Stroock learned from MOD that a new internal investigation had begun and that Alpirez had produced a revised version of events.
April [REDACTED]	[REDACTED] that DeVine case is one of those "less significant" to Guatemalan military interests and military should allow prosecution.
[REDACTED]	[REDACTED]
May 19	[REDACTED] brief SSCI staffers [REDACTED] [REDACTED] SSCI is told Contreras responsible for DeVine killing but Agency uncertain of details.



June 26	[REDACTED] of SSCI meet with Agency officers. C/LA explains DeVine died under interrogation, D-2 stonewalled, and military personnel are being tried.
[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]
September 29	Embassy reports Stroock told Attorney General it is important Alpirez be prosecuted for the cover-up. Attorney General indicates Contreras was acquitted and six enlisted men were found guilty.
[REDACTED]	[REDACTED]
1993	
[REDACTED]	[REDACTED]
May 11	Appeals court confirms the convictions of Contreras and six enlisted men. Contreras escapes.
May [REDACTED]	[REDACTED] that Contreras [REDACTED] after picking up DeVine, the General Staff were queried. Response: "Do what it takes to resolve the situation."
May 24/25	President Serrano coup fails.
Early-June	Human Rights Ombudsman De Leon elected President.
1994	
Mid- March	[REDACTED] MOD stated to military officers that he considered DeVine case closed.
[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]



1995

January 25

Bamaca Report triggers NSC meetings where Agency reports [REDACTED] and October 1991 allegations of his presence at DeVine interrogation.

February 3

Agency briefs SSCI and HPSCI concerning Alpirez, DeVine, Bamaca.

February [REDACTED]

Station reports Ambassador McAfee had approached Station requesting document that had circulated in State Department that linked Alpirez to DeVine's killing. [REDACTED] The next day, Hqs faxes a copy of the October 1991 information alleging Alpirez's presence at DeVine killing for Station to share with McAfee.

April [REDACTED]

Station reports rumors that Contreras is in Guatemala and that D-2 has ordered him killed. McAfee has [REDACTED] meet with [REDACTED] and relay the consequences should such a thing happen.

April [REDACTED]

Hqs sends cable regarding NSC directive to preserve records relevant to DeVine and Bamaca.

April 5

ADCI testifies to SSCI on Guatemala in open session.

March/April

[REDACTED] express concern over their safety and question the advisability of meeting with Station officers.

May [REDACTED]

[REDACTED] believes Army is ready to give up Garcia.

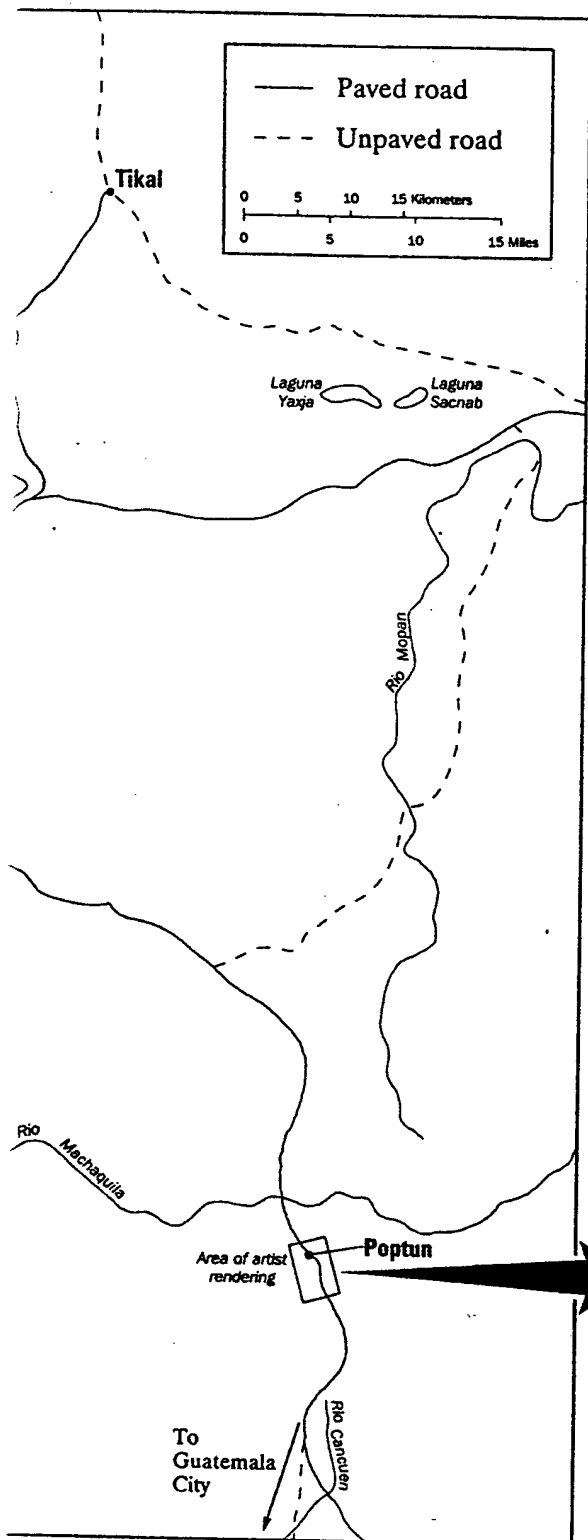
May [REDACTED]

[REDACTED] allegedly implicates Garcia as having ordered the killing of DeVine and shows Alpirez as protesting, but ultimately going along with the cover-up.

May [REDACTED]

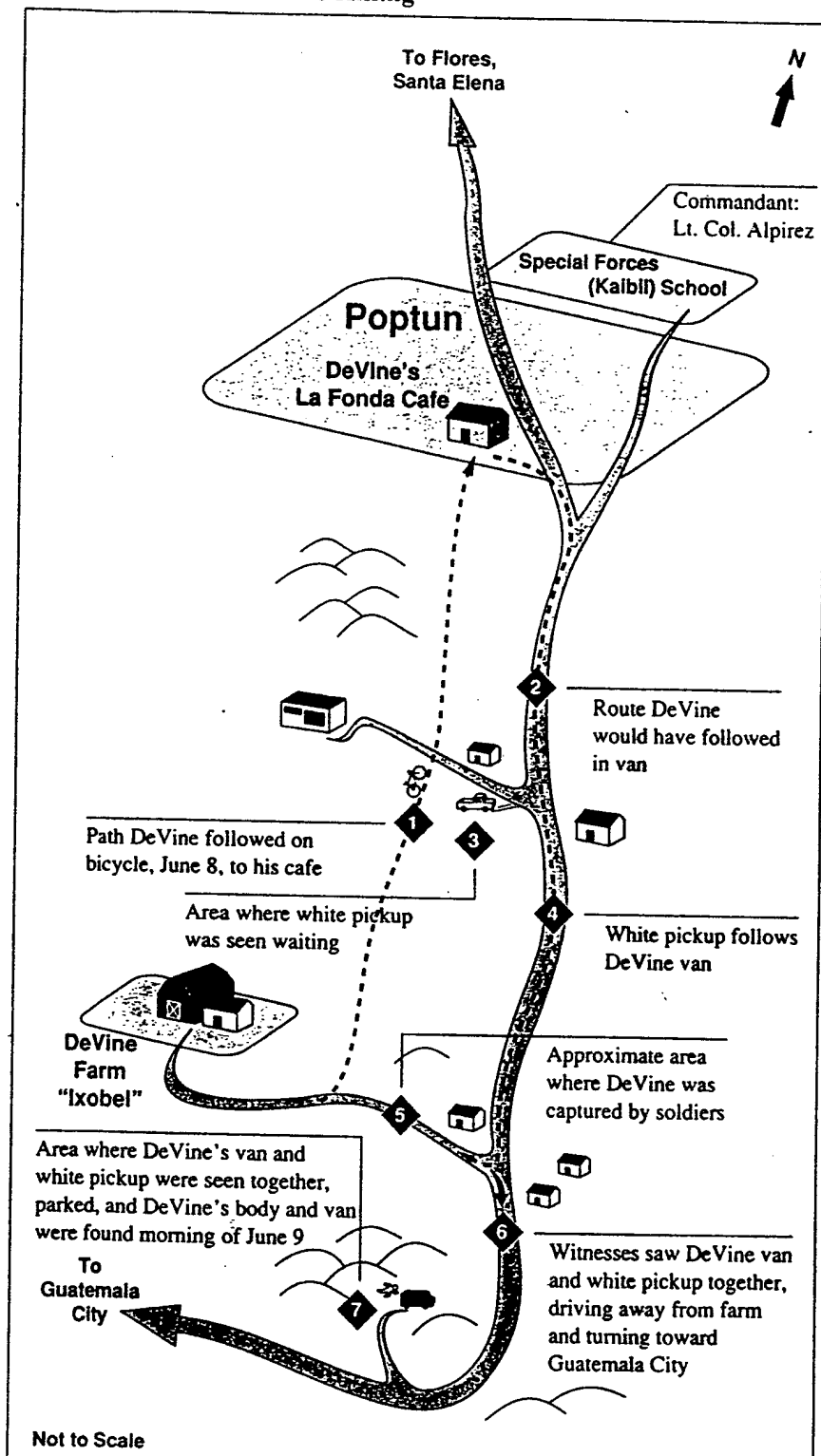
Station reports [REDACTED] opinion that mid-level officers believe Alpirez and Garcia will be sacrificed by the MOD.





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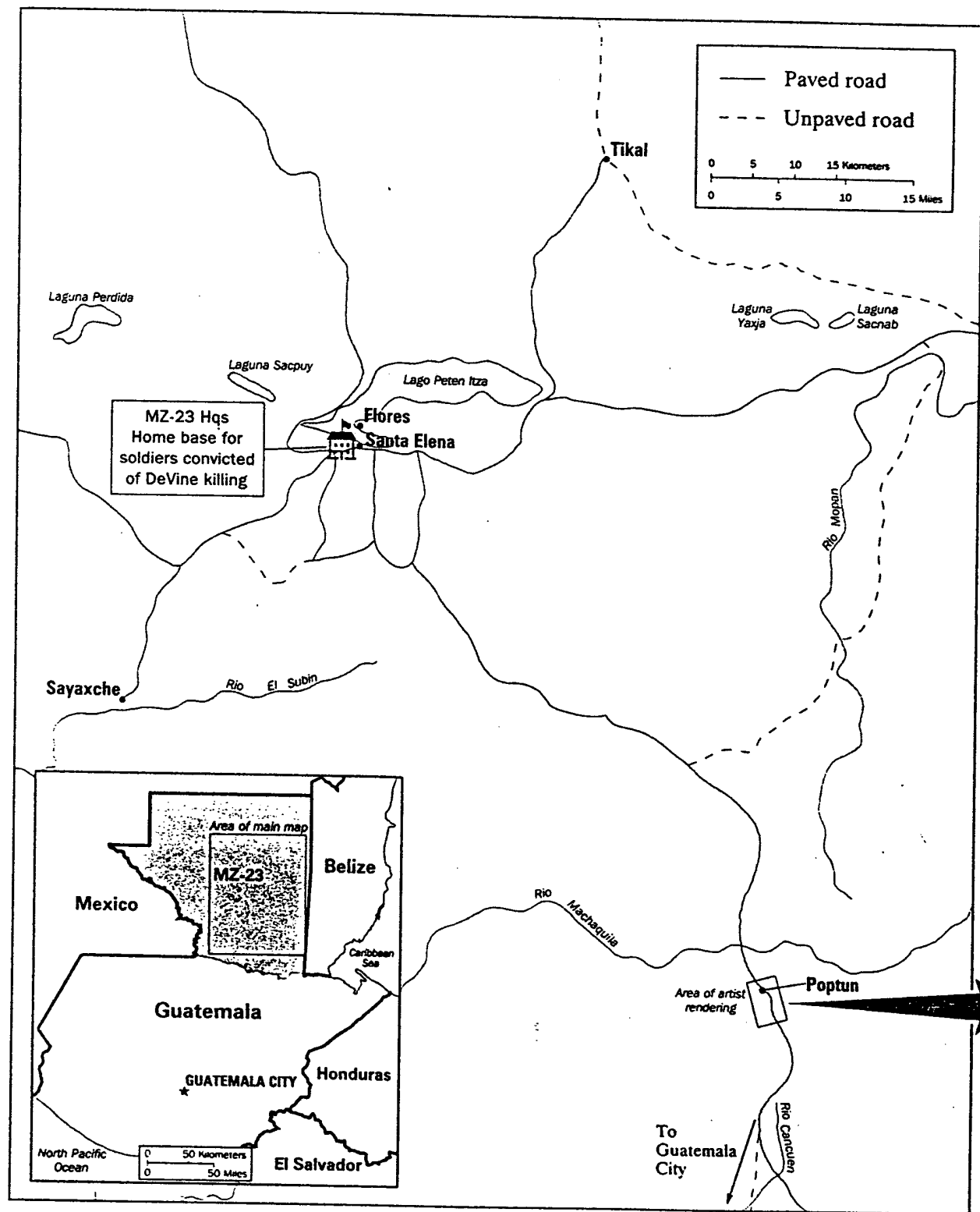
### Order of Events—DeVine Killing



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# DeVine—Key Events and Locations



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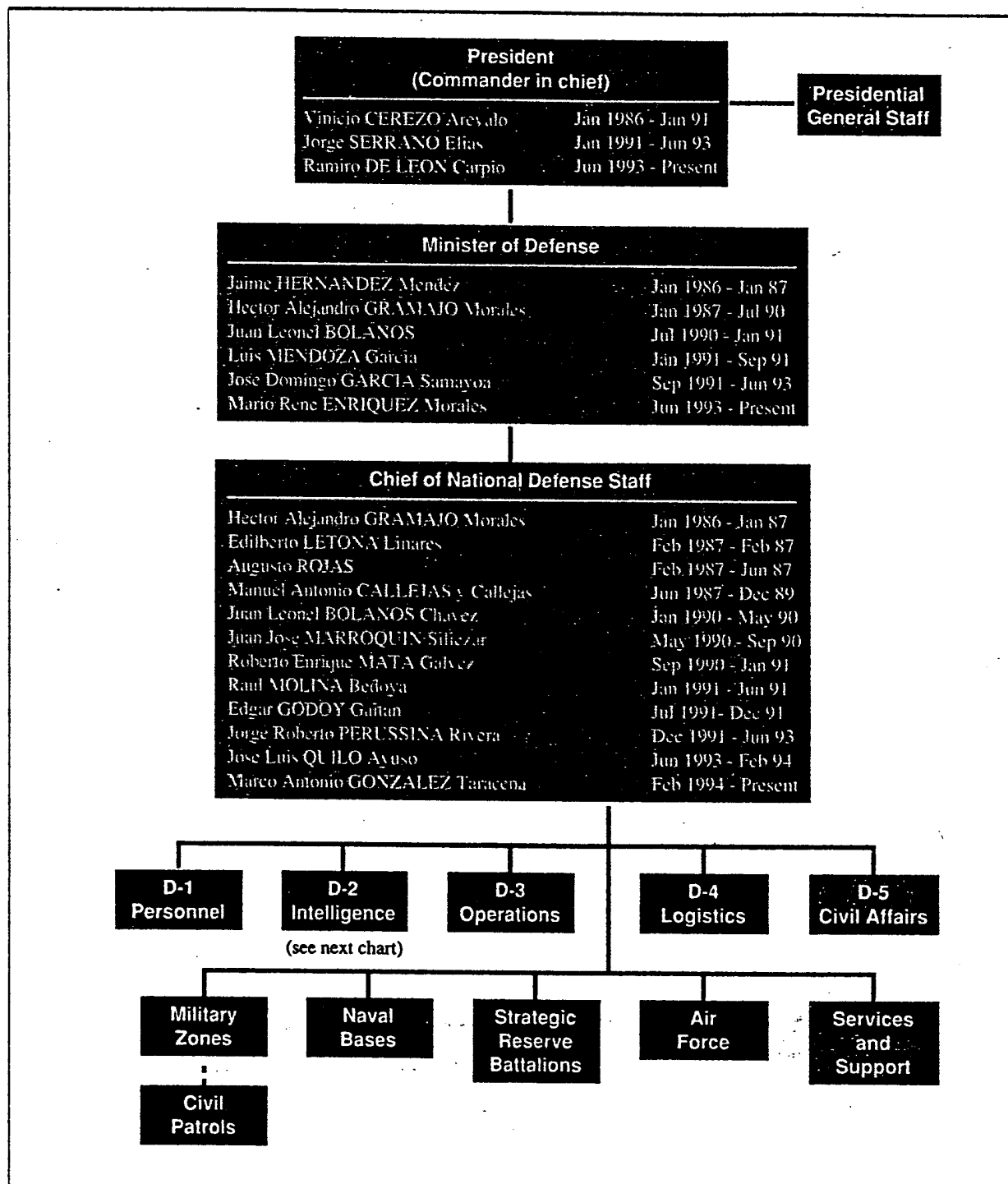
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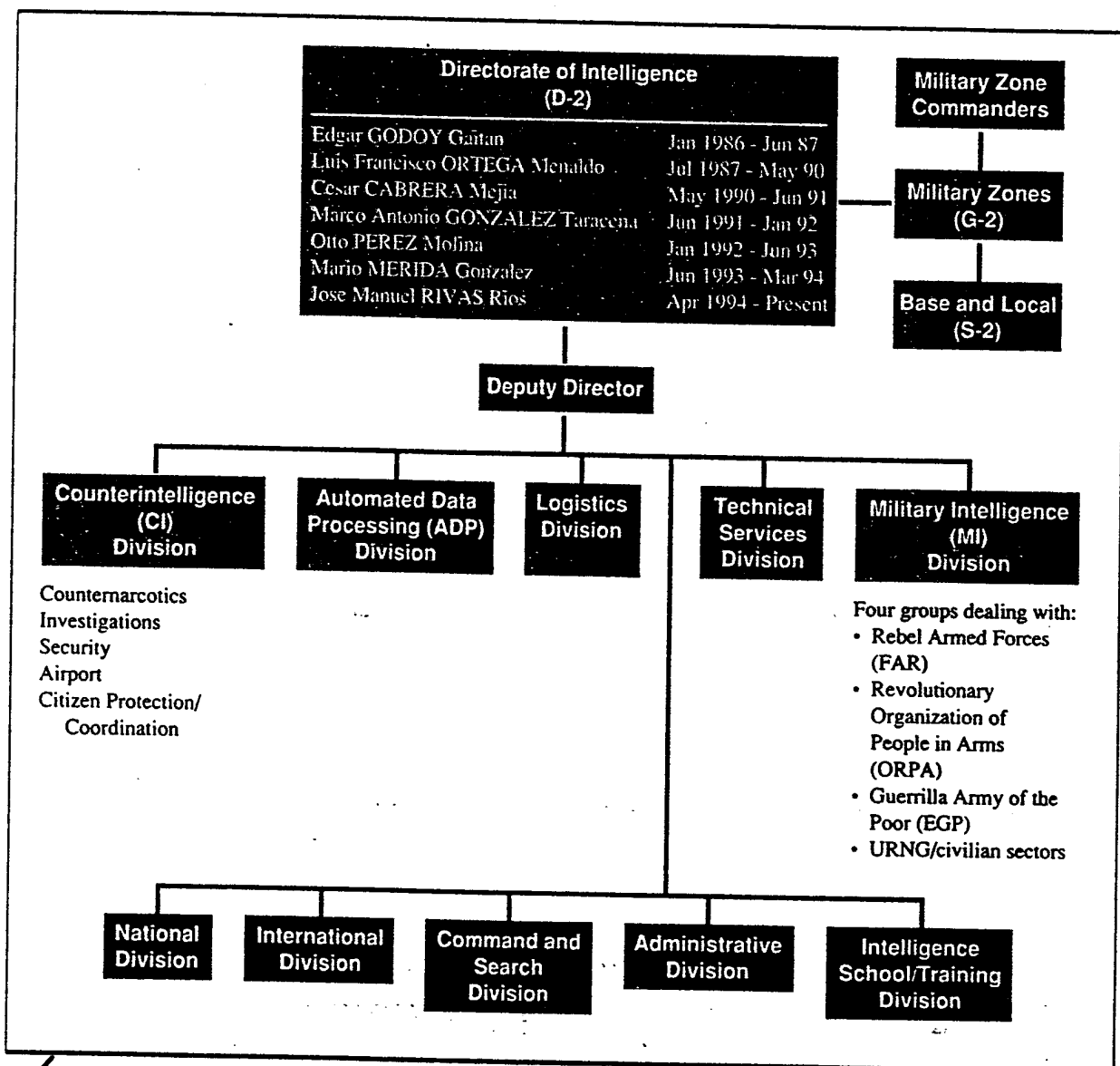


## Guatemalan Military Structure and Key Personalities





## Guatemalan Directorate of Intelligence (D-2) Structure and Leadership



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*WHAT INFORMATION WAS AVAILABLE TO THE CIA BETWEEN FEBRUARY 1995 AND MAY 18, 1995 CONCERNING DEVINE'S KILLING? WHEN DID IT BECOME AVAILABLE AND HOW WAS IT HANDLED? HOW RELIABLE WERE THE AGENCY SOURCES FROM WHOM THE INFORMATION WAS ACQUIRED?*

201.   
  
  


202.   


<sup>8</sup> Myrna Mack was killed on September 11, 1990.



203. On February [REDACTED] 1995 the Station sent an Immediate cable to Headquarters asking for assistance in locating a memorandum regarding the DeVine case. Ambassador McAfee had come to the Station and said that an October 30, 1991 CIA "memo" was circulating in the State Department that somehow linked Alpirez to DeVine's killing. According to the Station, McAfee said she was unaware of the existence of the document [REDACTED]

[REDACTED] officer was uncertain what this document might be and told McAfee that, if it were a 1991 document, it was likely that the Station had held it a year or two and then destroyed it due to space constraints. On February [REDACTED] Headquarters responded, faxed a copy of the October 30, 1991 dissemination in question--the report that Alpirez had been present at the interrogation when DeVine was killed--to the Station and stated that it could be shared with McAfee, "just as it was with her predecessor."

204. [REDACTED]

205. [REDACTED]

206. April [REDACTED] 1995 Station Report. On April [REDACTED] 1995, the Station reported that [REDACTED] had learned [REDACTED] that rumors were circulating in the Army that Contreras had returned to Guatemala from



Venezuela, and that the D-2 had put out an order to have him killed if he were found. [REDACTED]

Ambassador McAfee requested that [REDACTED]

[REDACTED] advise him of this information, and warn him regarding the impact on U.S.-Guatemala relations should any harm befall Contreras in Guatemala.

207. April [REDACTED] 1995 Station Report. [REDACTED]

[REDACTED] that under no circumstances would the D-2 order him killed, and that the Guatemalan Government would welcome Contreras' return in order to facilitate clarification and resolution of the DeVine murder case to the satisfaction of all parties. [REDACTED]

208. [REDACTED]



[REDACTED]

209. April [REDACTED] 1995 Instruction to Preserve Station Records. On April [REDACTED] 1995, the Agency's DO advised [REDACTED] of a National Security Council directive that stated:

In light of the Administration's ongoing review of the events surrounding the deaths of Michael DeVine and Efrain Bamaca in Guatemala, as well as any related matters, your Agency, and all relevant subordinate components, are directed to preserve any Agency records that may contain any information relevant to this review.

210. [REDACTED]

[REDACTED]

211. [REDACTED]

[REDACTED]

[REDACTED]



[REDACTED]

212.

[REDACTED]

213.

[REDACTED]

214.

[REDACTED]



215. [REDACTED]  
[REDACTED]

[REDACTED]

216. [REDACTED]  
[REDACTED]

217. [REDACTED]  
[REDACTED]  
[REDACTED]

[REDACTED] the Guatemalan Army was preparing to suspend Colonels Alpirez and Garcia Catalan until a judicial investigation either cleared their names in connection with the DeVine killing or found proof against them, in which case they would be disciplined. [REDACTED] this decision would cause strong discontent among Army officers and could further destabilize the De Leon government. [REDACTED] the crisis resulting from the Devine/Bamaca/Alpirez affair, combined with the confrontation between De Leon and the private sector over tax reforms,



had left the presidency weakened and subject to coup plotting.  
[REDACTED] morale was at a low ebb due to the  
distancing of ties by the U.S. Government, traditionally seen as  
Guatemala's strongest ally, [REDACTED]

[REDACTED]

[REDACTED] other friendly  
governments were moving in to fill the vacuum left by the United States,  
[REDACTED]

218. [REDACTED]

[REDACTED]

[REDACTED]



[REDACTED]

219. April 26, 1995 Embassy Report. An April 26, 1995 State Department telegram informed the Embassy in Guatemala of a meeting that day between Guatemalan Ambassador Mulet and ARA/Central Director John Hamilton, who had called the meeting to ask Ambassador Mulet why Guatemalan Army COS Gonzalez Taracena had earlier sought an appointment with Assistant Secretary Alex Watson. The telegram reported comments Mulet made relevant to the DeVine case. Mulet stated that he had spoken with Alpirez during Mulet's last visit to Guatemala, and that Alpirez had freely admitted that he participated in a massive cover-up of military involvement in the DeVine killing that had been centrally organized by [REDACTED]

[REDACTED] The telegram further stated, in part:

4. Alpirez's key interview with [REDACTED] had been held in a secure interviewing booth of Military Intelligence at the National Palace in January or February 1991, when the case against the enlisted men and Captain Contreras was about to go to trial. Alpirez had made a tape of the interview, apparently with [REDACTED] consent. Alpirez has the tape still, played it for Mulet, has played it for President De Leon as well. The tape apparently puts Alpirez in a relatively favorable light, protesting the coverup as unsustainable. [REDACTED] reportedly expresses understanding but takes the line that he and Alpirez are both under orders from [REDACTED] to limit the damage to the Military from the DeVine case. Mulet additionally said that Alpirez told him that he, Alpirez, is receiving anonymous threats to remain silent; said he would be willing to make his information available to the USG if the U.S. would grant "asylum" or otherwise assure his safety.
5. Mulet said President De Leon and his advisers are working now on a speech tentatively scheduled for the evening of April 27 [1995] in which the President will announce steps he is taking on the Bamaca and DeVine cases. As of now, the key step is the administrative suspension of Colonels Alpirez and Garcia Catalan while new investigations are underway. (As a sidebar, Mulet said scuttlebutt in military circles in Guatemala is that the order came directly from then Chief of Military Intelligence Colonel "Nito" Cabrera.) As presently drafted, De Leon's speech reportedly will hew to the [Guatemalan Government's] position on the Bamaca case, i.e., that the case should be investigated by the Historical Clarification Commission.



6. Mulet further said that Army COS Gonzalez Taracena heads sentiment within the Military for full disclosure of the DeVine coverup. MOD Enriquez reportedly opposes disclosure and the issue is not yet resolved. Mulet mentioned Colonels Otto Noak [sic] of the Presidential Military Staff and Letona (his Military Attaché) as among those favoring disclosure. They in turn reportedly feel that there is substantial sentiment within the Army for full disclosure in the DeVine case. The Army position on the Bamaca case, in contrast, is reportedly solidly in favor of referring it to the Historical Clarification Commission.

220. 

221. April 27, 1995 Embassy Report. A State Department telegram on April 27 informed the Embassy that Assistant Secretary Watson had contacted President De Leon by telephone that evening to urge De Leon "to announce even more dramatic and bold action [than planned] in his speech to the nation." Concerning the DeVine case, Watson's points were:

- ◆ Make clear in your speech your belief that there was a failure to assign higher level responsibility in the DeVine case and your determination both to disclose



that failure fully and to take appropriate legal action against those who perjured themselves or otherwise sought to obstruct justice;

- ♦ make it clear that legal action will also be taken against any individuals found to have responsibility for ordering the murder of DeVine; and
- ♦ reiterate your government's commitment to the reappréhension of Captain Contreras and his return to prison.

222. [REDACTED]

[REDACTED] De Leon's plan to send a small delegation to Washington to conduct informal discussions with senior U.S. administration officials and congressional representatives regarding the DeVine case and other human rights cases.

[REDACTED] De Leon believed that an in-depth investigation and punishment of the individuals involved in DeVine's killing could be carried out at some future date, possibly after the peace agreement is signed, but it was not possible at present. [REDACTED]

[REDACTED]

[REDACTED]



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[REDACTED]

223.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

224.

[REDACTED]

[REDACTED]

225. In late April 1995, several senior Guatemalan officials and military officers, including Otto Noack, were in Washington on missions



for President De Leon and met at the Guatemalan Embassy with Ambassador Mulet and one or more other Embassy officers. During that meeting, Alpirez and his relationship to the DeVine and Bamaca cases were discussed. [REDACTED]

[REDACTED]

226. [REDACTED]

[REDACTED]

227. [REDACTED]

[REDACTED]



228. [REDACTED]

229. May 5, 1995 DAO Report. A May 5, 1995 [REDACTED] provided reporting [REDACTED] on the alleged existence of a tape or tapes recorded by Alpirez concerning the cover-up of military involvement in Devine's killing. The reports varied about who was involved in the killing and who ordered the cover-up, but the overall theme was that Alpirez had sent copies of the tapes out of the country, to Washington, Los Angeles and elsewhere for his own protection.

230. May 5, 1995 LA Division Report. According to a May 5, 1995 "Spot Report" prepared by the Agency's LA Division, several reports had been received—from State, [REDACTED] [REDACTED]—alluding to the existence of a tape that appeared to exonerate Alpirez of the DeVine killing but implicated him in the subsequent cover-up. It was believed, according to this LA Division report, that Alpirez taped a meeting in January/February 1991 conducted by D-2 legal counsel Monroy Espana, in which Monroy orchestrated the cover-up by coaching some 20 Army officers on what to tell investigators in the DeVine case. Monroy was reportedly acting on orders of then-MOD Mendoza. The tape was believed to indicate that Alpirez protested the cover-up as unsustainable, but in the end grudgingly acceded to it. Garcia Catalan was allegedly identified as having ordered the killing.



The tape reportedly has been heard by the current Guatemalan President and MOD.<sup>9</sup>

231. [REDACTED]

[REDACTED]

232. [REDACTED]

[REDACTED]

[REDACTED]



[REDACTED]

233. May [REDACTED] 1995 Intelligence Report. [REDACTED]

[REDACTED]

[REDACTED] that Contreras did not kill DeVine, but that one of the soldiers under his command did.

[REDACTED] that Alpirez did not know about the killing of DeVine until after the fact, and that he was ordered by senior officers to assist in the cover-up. [REDACTED]

[REDACTED]

234. [REDACTED]

[REDACTED]

1. [REDACTED] said that it is his belief, [REDACTED] that the Guatemalan Ministry of Defense is searching for a sacrificial lamb in an effort to resolve the human rights case of Michael DeVine . . . [REDACTED] believe that Colonel Julio Roberto Alpirez, and to a lesser extent Colonel Mario Roberto Garcia Catalan are the scapegoats that are being offered up by the Guatemalan Ministry of Defense in an effort to protect retired senior officers, and bring an end to the current crisis. . . . [REDACTED] believe that Alpirez did not know about the killing of DeVine until after the fact, and that Alpirez only assisted in the cover-up of the murder on orders from more senior officers. [REDACTED]

[REDACTED] while many officers have mixed feelings toward Alpirez, most are extremely upset by the accusations levied against him. Officers are not divided on their view that Alpirez is being made a scapegoat, and only want the truth to be revealed.

[REDACTED] In addition, [REDACTED] stated that Captain Contreras did not kill DeVine. [REDACTED] Contreras told [REDACTED] that one of the Army specialists had performed the killing.

[REDACTED]



[REDACTED]

235. [REDACTED]

[REDACTED]

[REDACTED]

236. May [REDACTED] 1995 Station Report. [REDACTED]

[REDACTED]  
[REDACTED]  
[REDACTED] regarding speculation [REDACTED]

[REDACTED] that Captain Contreras had been killed to keep him from revealing which senior officers were responsible for the June 1990 Devine killing. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED] Contreras had been given the responsibility to retrieve two Guatemalan Army Galil assault rifles that had been stolen and sold, one of them supposedly to DeVine. After the detention of DeVine, Contreras had requested instructions on how to proceed through "Staff Channels" and was told to "do whatever it takes to resolve the situation." [REDACTED]



[REDACTED] believe that the order to proceed with the interrogation went all the way up the chain-of-command to include former Minister of Defense General Juan Leonel Bolanos Chavez, former Chief of the Directorate of Intelligence (D-2) Colonel Cesar Augusto "Nito" Cabrera Mejia, and former Chief of the Presidential Staff General Edgar Augusto Godoy Gaitan. [REDACTED] Contreras' later threats to former Chief of the National Defense Staff General Jorge Roberto Perussina Rivera to reveal this information if he had to serve time in prison may have forced senior officers [to] dispose of Contreras permanently.

[REDACTED]

[REDACTED]

[REDACTED]



[REDACTED]

[REDACTED]

[REDACTED] believe that senior officers are still attempting to protect the old retired officers that are truly responsible for ordering the interrogation of DeVine. While feelings among officers are mixed towards Alpirez, they believe that he is being offered up as a sacrificial lamb to protect others.

[REDACTED] As you are probably aware, Alpirez is accused of participation in the murder of DeVine . . . . Contreras was convicted of the crime in May 1993, but fled from captivity . . . . In addition to this reported sighting of Contreras in Colombia (date unknown), [REDACTED] has reported a lead on Contreras in Venezuela. The Embassy here is anxious to see Contreras captured and returned to Guatemala, where his case is still pending appeals. [REDACTED]

[REDACTED]

237. [REDACTED] A May [REDACTED] 1995 [REDACTED]

[REDACTED]

requested any available information in addition to that provided by the [REDACTED] regarding the tape that Alpirez allegedly had evidencing a military cover-up. [REDACTED] had been tasked with determining whether the audio tapes really exist and had thus far been unable to do so. Guatemala City Station replied [REDACTED] summarizing briefly what the tapes supposedly contain regarding Alpirez's reluctant acquiescence to the cover-up Monroy was orchestrating, and that the cover-up was organized from the start by MOD Mendoza. The Station stated that it was not aware of any copies of the tape being in Embassy hands.

238. May [REDACTED] 1995 Station Report [REDACTED]

[REDACTED]



[REDACTED]

views on the current U.S.-Guatemala situation. [REDACTED] that one of the measures that could help get things back on track was Guatemalan Government progress on resolving the Bamaca/DeVine cases, such as finding and recapturing Contreras. [REDACTED]

[REDACTED]

239. May 13, 1995 [REDACTED] Report. In a May 13, 1995 cable, [REDACTED] reported information [REDACTED]

[REDACTED]

described Alpirez as feeling extremely pressured and nervous, and believing that the brunt of the accusations on the DeVine murder were being levied against him. Regarding Alpirez, the DAO cable stated:

[REDACTED] Col. Alpirez [REDACTED] is thinking of turning himself in and confessing to committing perjury and obstructing justice during the trial of the Army personnel who were convicted in the DeVine murder. He could then tell all he knows about the DeVine murder, and clear himself of the accusations that he ordered or was otherwise directly involved in the actual murder of Michael DeVine. He would also then implicate many Army officers, some retired and some still on active duty, in the cover-up as well. [REDACTED]

[REDACTED] the maximum penalty under Guatemalan law for perjury is five years in prison, which is commutable. Col. Alpirez believed a light sentence for perjury might be worth clearing his name of murder charges. [REDACTED] Col. Alpirez wavers a great deal in his thinking on this problem, and he may not actually take such a radical course of action.

240. May [REDACTED] 1995 Intelligence Report. [REDACTED]

[REDACTED]



[REDACTED]

[REDACTED] that Garcia Catalan had only eight months remaining until retirement. The Army would support him with lawyers and other unspecified assistance until he retired, but that after that he would be on his own. [REDACTED] the Army was providing Garcia and Alpirez with four lawyers each and was assisting in arranging testimony from pertinent witnesses. [REDACTED]

[REDACTED] the Bamaca case was closed and should be taken up by the Historical Clarification Commission after a final peace agreement is signed with the Guatemalan insurgency. [REDACTED]

[REDACTED]

241. [REDACTED]

[REDACTED]

[REDACTED]







# Occupants of Senior Guatemalan Positions

1987 1988 1989 1990 1991 1992 1993 1994 1995

President

Vinicio CERREZO Arevalo Jorge SERRANO Elias Ramiro DE LEON Carpio

Minister of Defense

Hector Alejandro GRAMAJO Morales Jose Domingo GARCIA Samayoa Mario Rene ENRIQUEZ Martinez

D-2 Army Head

Edgar GODOY Gaitan Cesar CABRERA Mejia Otto PEREZ Molina Jose Manuel RIVAS Rios  
Luis Francisco ORTEGA Menaldo Marco Antonio GONZALEZ Taracena Mario MERIDA Gonzalez

Head of Center for Analysis ("Archivos") and predecessor organizations

Julio Roberto ALPIREZ Juan VALENCIA Osorio Rolando Augusto DIAZ Barrios Jose Maria ARGUE  
Morris Eugenio DE LEON Gil Edgar Ricardo BUSTAMANTE Figueroa  
The Department of Presidential Security Presidential Staff Center for Analysis In transition to civilian intelligence service



WHAT DO CIA PERSONNEL AND OTHERS RECALL REGARDING THE REPORTING  
CONCERNING DEVINE'S KILLING?

242. October [REDACTED] 1990 Station Report. [REDACTED]

[REDACTED]  
[REDACTED]  
[REDACTED] beaten up Guatemalan soldiers. [REDACTED]  
[REDACTED]

[REDACTED] claimed to know from senior Guatemalan Army officers that Garcia Catalan was responsible for DeVine's killing and that the motive was almost certainly a combination of anger at DeVine's mistreatment of Guatemalan soldiers, suspected cultivation of marijuana, and rumored collaboration with insurgents. [REDACTED]  
[REDACTED]

243. February 1991 Interview by [REDACTED]

[REDACTED] recalls that in February 1991 he interviewed [REDACTED] an individual who was suspected of involvement in the DeVine killing at the time. [REDACTED] told him that his fellow prisoner [REDACTED] confided to [REDACTED] that he had been present at a conversation between Alpirez and Joaquin Alfaro Avelar on June 6, 1990 at the Kaibil Base. Alfaro was the senior enlisted man in charge of the group that was ultimately convicted of DeVine's killing. Alpirez told Alfaro not to kill DeVine because he was a "gringo." Alfaro informed Alpirez that he had his orders, to which Alpirez replied something to the effect, "Okay, but if you are going to do it, don't bring him here because I don't want to have your problems."

244. October [REDACTED] 1991 Intelligence Report. By placing DeVine's killing at the Kaibil Base, with both Alpirez and Contreras at the scene, this report was significantly at odds with the bulk of evidence assembled by [REDACTED] Headquarters raised questions about the report when it was submitted by the Station [REDACTED] The Station's [REDACTED] response, a strong condemnation of Alpirez, is puzzling in several ways. First of all, no "documented fact" has been found that Alpirez hid his



involvement in the DeVine killing. [REDACTED]

[REDACTED]

also places Contreras at the scene and states that he was responsible for DeVine's death. All other accounts that involve Contreras in the killing place him in Flores, having sent the team to Poptun. [REDACTED] only [REDACTED] spoke of Alpirez's "erratic and bizarre" character and personality, and there is neither documentation nor prior reporting to support this statement.

245. [REDACTED]

[REDACTED] Neither the Station nor Headquarters appears to have considered the obvious question of why Alpirez, if his intention were to shield his own involvement, [REDACTED] that the military was involved in the killing and would have later been the only military member to step forward and offer to make a similar sworn statement to the military court rather than to participate in the cover-up. His subsequent refusal to say anything may reasonably be attributed to his being subject to direct orders not to testify or risk losing his military career and, perhaps, his life.

246. [REDACTED]

[REDACTED]



~~SECRET~~


247.



248.



119  
~~SECRET~~





~~SECRET~~

249.





~~SECRET~~

250.



251.



252.



121  
~~SECRET~~



[REDACTED]

253.

[REDACTED]

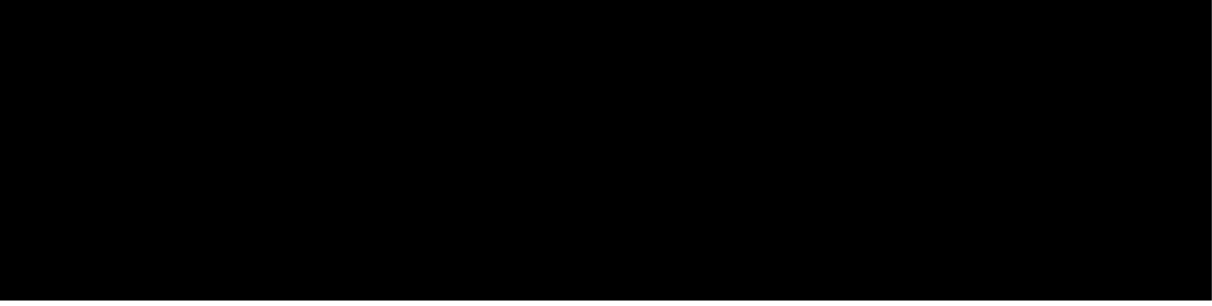
254.


[REDACTED]

255.

[REDACTED]

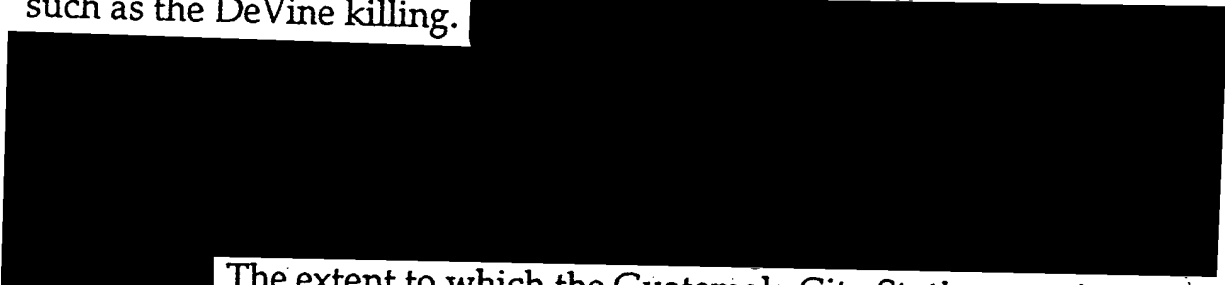




256. Finally, the official death certificate and  investigation reports provide strong support to the theory that DeVine had died because of the neck wound, not by suffocation. According to an OMS physician, the near-total loss of blood (hipovolemic shock) reported in the death certificate would not have occurred if DeVine had not been alive when his neck was nearly severed.

*DID THE CIA MEET ITS RESPONSIBILITY FOR COLLECTION OF INFORMATION PERTAINING TO THE DEVINE KILLING? WAS ANY OF THIS INFORMATION IMPROPERLY SUPPRESSED?*

257. There is no statute, executive order or Agency regulation that requires the Agency to collect and report on human rights violations such as the DeVine killing.



The extent to which the Guatemala City Station met its responsibilities for collecting information regarding the DeVine killing can be assessed by reviewing Station reporting through the four major phases of the case; (i) Pre-Killing, (ii) Post-Killing, (iii) Investigation and Trial, and (iv) Post-Trial.

258. Pre-Killing. No evidence has been found to indicate that the Station or Agency had any information pertaining to DeVine, his activities, or any human rights abuses threatened or planned to be directed against him prior to his killing in June 1990.



259. Post-Killing. Station reporting began in mid-August 1990 [REDACTED] of events relating to DeVine's killing. [REDACTED] August [REDACTED] 1990, the Station reported to Headquarters [REDACTED] possible Guatemalan military involvement in DeVine's killing and the military cover-up. [REDACTED]

260. [REDACTED] August [REDACTED] 1990, Headquarters overrode the Station's proposed delay [REDACTED] and instructed the Station to brief Stroock promptly on the information [REDACTED] concerning the DeVine killing and cover-up. Headquarters also instructed the Station to resubmit the report in a different format and noted its desire to provide the information to the Assistant Secretary for State for Latin America as quickly as possible. This clearly indicated Headquarters's recognition of the importance of the DeVine case. On August 25, Headquarters informed the Station that the information had been disseminated and that DAS for Latin America Sullivan had been hand-delivered a copy.

261. Primarily due to the human rights issue raised by the possible Guatemalan military connection to DeVine's killing, Station officers were tasked to obtain additional details about the killing and the Guatemalan Government's investigation into it. [REDACTED]

262. In mid-September 1990, [REDACTED] a request for information on [REDACTED] anti-U.S. sentiments relating to the DeVine case. From this time forward, [REDACTED] priorities included details of DeVine's killing and related reactions of Guatemalan Government officials. [REDACTED]

[REDACTED] the Guatemalans had



increased restrictions on U.S. Embassy officials' access to military facilities.

263. In October 1990, the Station reported that [REDACTED] military personnel had been arrested for the killing. [REDACTED] that the perpetrators had acted without orders, perhaps became involved in a fight, and then killed DeVine. [REDACTED]

[REDACTED] received no instructions to pursue an investigation into DeVine's death. This information provided part of the justification for the U.S. Government's termination of military aid to Guatemala in December 1990.

264. During this period, between August 1990 and January 1991, the Station acquired significant information concerning the DeVine killing and Guatemalan Government efforts to manage the resulting pressure from the U.S. Government. This information was appropriately disseminated and served as part of the basis for the U.S. Government's action against the Guatemalan military.

265. Investigation and Trial. This phase spanned 1991-92. Station reporting in 1991 indicates that additional details were obtained by the Station regarding: 1) the circumstances of DeVine's killing; 2) the Guatemalan Government's investigation; and 3) the "cover-up."

266. [REDACTED]

[REDACTED]

267. On October [REDACTED] 1991, the Station reported that [REDACTED] Alpirez was present during the



interrogation of DeVine. This report also included information from [REDACTED] that Alpirez was violent, had killed guerrilla prisoners and was behaving erratically.

268. On October 23, 1991, Headquarters requested the Station's evaluation of the conflicting reporting regarding DeVine's killing and stressed the continued importance of reporting on human rights violations. Although the Station indicated its intent to pursue further questions [REDACTED] regarding the allegations about Alpirez, it appears that no such effort was made. Similarly, it appears that the Station did not further explore the validity of the derogatory comments made [REDACTED] regarding Alpirez's character and behavior. The reasons for these lapses have not been determined.

269. In 1992, the Station continued to task [REDACTED] for information pertaining to DeVine's killing as well as Guatemalan Government efforts to investigate and prosecute those responsible. The Station also collected information regarding the Guatemalan Government's reaction to U.S. pressure to resolve the DeVine case. [REDACTED] to obtain information on the status of the DeVine case. [REDACTED] the Guatemalan Attorney General had stated that the Military should allow prosecution in cases of lesser military significance, such as the DeVine killing.

270. [REDACTED]

[REDACTED] In September, the Station reported on the results of the trial of those accused of DeVine's killing [REDACTED]

[REDACTED] a decline in the importance of the DeVine case within the Guatemalan Government. [REDACTED]

271. In sum, throughout 1991-92, Headquarters and the Station made sustained efforts to obtain information related to DeVine's killing. Information that was collected regarding the DeVine killing was promptly reported and, if considered significant and relevant, was



disseminated to additional intelligence consumers. Information alleging that Alpirez was present at DeVine's interrogation was referred directly to the FBI and the DoJ.

272. Intelligence collected by the Station during this period contributed to the U.S. Government's position regarding the DeVine killing and the Guatemalan Government's efforts to resolve the case. However, the Station failed to collect additional information regarding the accuracy of the allegations that Alpirez had been involved in DeVine's interrogation and about Alpirez's character despite direction from Headquarters to do so and the inconsistency between these allegations and prior information.

273. Post-Trial. During 1993-1995, the Station continued its efforts to acquire information on the DeVine case. Many versions of the details regarding DeVine's killing had been learned by this time and the initial Guatemalan judicial proceedings had been completed. The Station's efforts resulted in added information regarding the appeal, the Guatemalan Government's reaction to the case, Contreras' escape and the search for him, and other case developments.

274. [REDACTED]

[REDACTED]

275. Station reporting in 1994 continued to include information pertaining to the Guatemalan Government's reactions to DeVine case developments. [REDACTED] indicated that the MOD considered the case closed. In August, the Station reported that Noack, the Human Rights Advisor to De Leon, questioned the validity of the claims of death threats to witnesses and their relatives. [REDACTED]



[REDACTED]

276. During 1995, the Station has continued to keep policymakers informed regarding DeVine case developments. [REDACTED]

[REDACTED]

Station reporting noted the growing reticence of certain assets to continue contact with Station officers. [REDACTED]

[REDACTED] that Noack believed the Army was going to allow Alpirez to be charged with obstruction of justice [REDACTED] opinion that the Army would also "give-up" Garcia Catalan.

277. The Station reported the comments [REDACTED] in reference to the existence of Alpirez's tape recording. In May, LA Division issued a Spot Report that discussed the details of the Alpirez tape, including portions that identify Garcia Catalan as ordering the killing and Alpirez at first protesting the cover-up and then reluctantly cooperating. In May, the Station also reported [REDACTED] belief that Alpirez and Garcia Catalan may be scapegoats and that Contreras might be dead. Recently, Station management informed Guatemalan officials that the DeVine case would not be forgotten and that U.S. cooperation partly depended upon the Guatemalan Government's resolution of the DeVine case, particularly the return of Contreras to justice.

278. Did the Agency Suppress Information to Protect Sources and Methods? No evidence has been found to indicate that the Agency improperly suppressed relevant information to protect "sources and methods" or for other inappropriate reasons. In August 1990, the Station promptly reported the information [REDACTED] regarding military involvement in DeVine's killing and a cover-up. This information was disseminated to the appropriate intelligence consumers,



both at the Embassy and in Washington. [REDACTED]

[REDACTED]

279. Following the August 1990 report, the Station tasked its assets to collect additional information on the DeVine killing and the Guatemalan Government's reactions to the case. In mid-October 1991, the Station collected information that alleged Alpirez had been present at DeVine's interrogation. This was reported to Headquarters and disseminated to other appropriate agencies through standard channels. The dialogue between Headquarters and the Station through the end of October clearly indicates that the Agency almost immediately recognized an obligation to report the allegations to DoJ.

280. [REDACTED]

[REDACTED]

281. [REDACTED]

[REDACTED]

*IS THERE ANY EVIDENCE THAT CIA EMPLOYEES OR AGENTS WERE DIRECTLY OR INDIRECTLY INVOLVED IN DEVINE'S KILLING?*

282. No evidence has been found to indicate that any Agency employees were directly or indirectly involved in DeVine's killing or that any Agency employees had any advance knowledge of that event. No



evidence has been found to indicate that DeVine was the subject of Agency interest prior to his killing.

283. [REDACTED]

*WAS INFORMATION REGARDING DEVINE'S KILLING PROPERLY SHARED BY CIA WITH THE INTELLIGENCE OVERSIGHT COMMITTEES? DID THE CIA MEET ITS RESPONSIBILITY FOR CONGRESSIONAL NOTIFICATION IN THE DEVINE KILLING?*

284. There is no specific statutory or policy requirement that the CIA provide intelligence information to Congress concerning the deaths of American citizens. However, as a matter of practice, the Agency does provide information to Congress in response to specific inquiries or if circumstances warrant. In the case of DeVine's killing, information was provided to Congress because the case became an important element of Agency reporting on the human rights situation in Guatemala and assumed significance in terms of U.S.-Guatemalan relations. [REDACTED]

285. The Agency appears to have informed the Congress about the DeVine killing prior to any congressional inquiry about the matter and continued to provide information about basic developments in the case as such information became available. Specifically, information was provided through finished intelligence publications, [REDACTED] periodic briefings, and testimony. [REDACTED]



286. While Agency information about the DeVine killing had been provided to Executive branch agencies beginning in August 1990 [REDACTED]

[REDACTED] first available record that the CIA made information available to Congress about the DeVine killing is a December 14, 1990 National Intelligence Daily (NID) <sup>11</sup> article on human rights abuses in Guatemala. The article included a statement that the Army High Command continued to drag its feet on the investigation of the killing of a U.S. citizen by Guatemalan military personnel. A NID article on January 17, 1991 [REDACTED]

287. The next record of the Agency providing information to Congress about the DeVine case is an April 2, 1991 [REDACTED]

[REDACTED] began with a general discussion of the DeVine killing and explained that Station reporting on this major human rights violation had led the U.S. Government, in December 1990, to suspend military assistance to Guatemala [REDACTED] that this suspension was due to the military's failure to investigate satisfactorily Guatemalan military involvement in the DeVine killing. [REDACTED] also discussed in general terms the intelligence reporting that related to that case. [REDACTED]

288. The first record of a congressional inquiry about the DeVine killing that has been found is in April 1991. [REDACTED]

[REDACTED] the HPSCI sent the Agency the following Question for the Record--"What contribution has CIA made to the investigation of the murder of U.S. citizen Michael DeVine in Guatemala?" The Agency provided the following response, with obvious reference to the August 1990 report [REDACTED] on April 23:



A CIA [REDACTED] "broke" the DeVine case in August 1990 by providing information indicating that DeVine was murdered by Guatemalan military personnel. [REDACTED] had been urged to provide this key information by a [REDACTED] Guatemalan [REDACTED] official [REDACTED]

[REDACTED] . . . In December 1990, CIA provided [REDACTED] [REDACTED] indicating that the Guatemalan Minister of Defense was blocking the investigation into the Guatemalan military's role in DeVine's murder. The CIA report played a key role in the United States Government's decision to suspend military assistance to Guatemala.

289. The Agency continued to provide information to the intelligence committees in the form of finished intelligence [REDACTED] and periodic briefings from the spring of 1991 through September 1992 when six Guatemalan Army specialists were convicted of DeVine's killing. The essential issues covered included, who may have been responsible for the killing; the extent of the military effort to cover up involvement of military personnel and the attendant responses of Guatemalan political leaders; the impact of the case on U.S. relations with Guatemala; and the implications for the [REDACTED]

290. Finished intelligence about the DeVine case provided to Congress included a NID article in September of 1991 [REDACTED]

[REDACTED] The latter two reports came after, but did not mention, the October 1991 report that Alpirez had been present at DeVine's interrogation, [REDACTED] the referral to DoJ.

291. [REDACTED]

[REDACTED] In addition, the DeVine case was discussed in SSCI staff briefings on May 19, 1992, late June 1992 [REDACTED] and June 26, 1992. No record has been found of congressional inquiries about the DeVine case or briefings about it from June 1992 until January 1995. Throughout this period, there appears to



have been no reference to the October 1991 report, [REDACTED] or the DoJ referral.

292. The October 1991 allegation that Alpirez had been present at DeVine's interrogation had been included in a compilation of reports that was shown to SSCI staff members in June 1992. [REDACTED]

[REDACTED]. At the same time, the committees were told of the January 1995 report alleging that Alpirez killed Bamaca.

*WAS INFORMATION REGARDING DEVINE'S KILLING PROPERLY SHARED WITH AMBASSADORS AND OTHER APPROPRIATE EMBASSY OFFICIALS? DID CIA MEET ITS RESPONSIBILITY FOR NOTIFICATION IN THE DEVINE KILLING?*

293. August [REDACTED] 1990 Intelligence Report. On August [REDACTED] 1990, the Station reported to Headquarters [REDACTED] about Guatemalan military involvement in DeVine's killing and the cover-up that was in progress. The Station also proposed a delay in briefing Ambassador Stroock to allow a measure of protection for [REDACTED] source. On August [REDACTED], 1990, Headquarters rejected the Station's proposal and instructed the Station to brief Stroock promptly on the information that had been provided [REDACTED] concerning the DeVine killing and cover-up. Headquarters also instructed the Station to resubmit the report and expressed its desire to provide the information to the Assistant Secretary for State for Latin America as quickly as possible. This was clearly an indication of Headquarters's recognition of the importance of the DeVine case. An August [REDACTED] immediate Headquarters cable informed the Station that the information had been disseminated and that the DAS had been hand-delivered a copy.

294. October [REDACTED] 1990 Station Report. On October [REDACTED], 1990, [REDACTED] that, among other things, DeVine's killers were not under orders from Garcia Catalan to kill him and opined that they got into a fight and killed DeVine. [REDACTED] reported this to Headquarters as well as reporting from unnamed "others" that DeVine drank heavily and beat local soldiers. [REDACTED]



[REDACTED]

295. [REDACTED]

[REDACTED]

Stroock's comments on the subject are somewhat ambivalent. Stroock recalls being advised in the Ambassador's "charm school" that "COS's screw Ambassadors." He also recalls that he understood that, under a long-standing agreement worked out between State and CIA, Ambassadors had a right to know about the identities of the Agency's contacts on a "need-to-know" basis and could also ask the COS for such information in specific cases.

296. [REDACTED]

[REDACTED]

297. Based on long-standing agreements between the Agency and the State Department, Agency Stations are expected to share virtually all information with the Ambassador. (See Exhibit E of Volume I.) The single exception is based upon the 1947 National Security Act's requirement that the Agency protect "intelligence sources and methods." (See Exhibit E of Volume I.) Thus, there is some room for interpretation and discretion on the part of the COS when "sources and methods" are involved. According to Agency guidance to Stations, a COS may share sources or methods information, in certain instances [REDACTED]

[REDACTED]

[REDACTED] Alternatively, in the absence of such a request, a COS who believes source or method information is necessary for an Ambassador to pursue official responsibilities effectively may



offer the essential information. Typically, the COS must strike a balance between keeping the Ambassador fully informed and protecting sources and methods. Presumably, in deciding whether and what the Ambassador will be told, the COS exercises this judgment on the basis of a knowledge of local conditions, the working relationship between the Station and the Ambassador, and the nature of the information.

298. [REDACTED]

[REDACTED]

*WHY DID THE AGENCY NOT PROVIDE INFORMATION REGARDING THE DEVINE KILLING TO THE DEVINE FAMILY?*

299. Information available to the Agency indicated that Mrs. DeVine hired a private detective [REDACTED] to investigate the circumstances of her husband's death. [REDACTED] developed considerable information about the DeVine case that was known by the Agency to have been shared with the Embassy and the Guatemalan Government. Moreover, a large volume of information regarding DeVine's killing eventually became public and was known to be available to Mrs. DeVine.

300. Additional information was acquired by the Agency from its clandestine sources. This was consistent with the Agency's mission to collect information relating to foreign events, U.S. foreign policy and other official interests abroad. This information was analyzed and provided to official consumers. Generally, apart from its basic charter to



collect information concerning terrorism and events that impact upon official U.S. policy or other interests in a foreign country, there is no requirement that the Agency seek to collect information regarding threats or harm to U.S. citizens abroad. Also, there is no statute, Executive order, or Agency regulation or policy that provides for disclosing clandestinely collected information to families of U.S. citizens who may have been murdered, captured, imprisoned, or are missing in a foreign country.

301. This said, the Agency is expected to warn targets of assassination plans that may come to its attention. Also, Agency information can be and is indirectly conveyed to concerned family members for humanitarian reasons. Warnings and compassionate conveying of information generally are the responsibility of the State Department. Typically, State Department personnel at the Embassy who receive a request for such information would work through the State Department in Washington and the Station to query Agency Headquarters for pertinent information. If the Agency concurred with the release, pertinent information would be sanitized to protect sources and methods and then the information would be provided to the State Department for release to the family members.

302. The Station appears to have kept Ambassadors Stroock and McAfee generally informed of information regarding the DeVine case through private discussions, Station cables, and Country Team meetings. In turn, Embassy, State and [REDACTED] officials held several meetings with Mrs. DeVine, the DeVine family lawyer [REDACTED]. Mrs. DeVine's lawyer, in the company of Embassy officials, also met with representatives of the Guatemalan Government.

303. No evidence has been found to indicate that requests were received for the release of Agency information to the DeVine family relating to the DeVine killing. Both Ambassadors Stroock and McAfee have stated that they did not approach the Station to request release of Agency information to the DeVine family, nor are there indications that the Ambassadors unilaterally released Agency information. Inasmuch as Station personnel were not involved in the discussions with Mrs. DeVine or her representatives, the exact information provided Mrs. DeVine and



her lawyer is unknown. However, Agency-derived and reported classified information presumably was not released, but served as background and to verify facts for these discussions.

304. Another means by which private U.S. citizens, such as members of the DeVine family, may obtain unclassified Agency information is through the filing of a Freedom of Information Act (FOIA) request. A search of Agency FOIA records indicates that not until May 8, 1995 did an individual, "on behalf of Carol DeVine," request information from the Agency "related to the murder of her husband, Michael Vernon DeVine." The Agency currently is processing that request according to standard procedures.

## CONCLUSIONS

305. The conclusions set forth below are repeated in the volumes relating to Alpirez, DeVine, Bamaca [REDACTED]

### Agency Purposes in Guatemala

306. Agency programs in Guatemala during the period in question were conducted in furtherance of duly approved [REDACTED]

were duly authorized by the President, reviewed by the National Security Council and reviewed and funded by the Congress. [REDACTED]  
[REDACTED]

### Alleged Complicity in Deaths of DeVine and Bamaca

307. No evidence has been found to indicate that any CIA employee had prior knowledge of, directed, participated in, or condoned the interrogation or killing of DeVine. No evidence has been found to indicate that any CIA employee had prior knowledge of, directed;



participated in, or condoned the reported interrogation, torture, or killing of Bamaca.

308. The October 1991 report alleging that Alpirez [REDACTED] [REDACTED] was present at DeVine's interrogation was seriously flawed and should have been reviewed more thoroughly at the Station and disseminated with appropriate caveats. Neither the Station nor Headquarters made a serious effort to verify the allegations contained in the October 1991 report and Headquarters did not follow-up sufficiently on its initial efforts to have the Station do so.

309. Similarly, the January 1995 report alleging that Alpirez had killed Bamaca was also based on questionable information and should have been reviewed more thoroughly at the Station and disseminated with appropriate caveats. Neither the Station nor Headquarters made serious efforts to verify that report and Headquarters did not encourage the Station to do so.

#### Congressional Notification

310. The Agency should have notified the congressional intelligence oversight committees in October 1991 about the allegations that Alpirez had been present at an interrogation that resulted in the death of a U.S. citizen [REDACTED]. The committees should have been briefed, especially in light of the prompt and serious actions the Agency took on the basis of that report, in reporting to DoJ and [REDACTED]. [REDACTED] LA Division officers intended to provide such notification to the committees, but neither those officers nor senior Agency managers ensured that this was done.

311. In February 1995, the oversight committees were expeditiously notified of the only report alleging that Alpirez had been responsible for the death of Bamaca. While notification was laudable, it should have been made clear that there were competing versions of what happened to Bamaca, and that the January 1995 report was sketchy, third-hand hearsay, and unconfirmed. Furthermore, when it had become clear in November 1994 that there was congressional interest in



Bamaca's fate, formal notification of the April 1994 report that Alpirez had interviewed Bamaca [REDACTED] [REDACTED] should have occurred.

312. [REDACTED]  
[REDACTED]

313. The Agency provided [REDACTED] to the oversight committees and participated during various committee hearings and briefings of committee staff [REDACTED]. It should have been recognized that the failure to provide this information in connection with the discussion of the DeVine case [REDACTED] would be viewed as misleading the committees. No evidence has been found to indicate that the failure to mention [REDACTED] in these reports, hearings and briefings was intended to mislead the committees. Neither has any evidence been found to indicate that the failures to notify the committees in 1994 of information indicating that Alpirez had interviewed Bamaca or [REDACTED] were intended to mislead the committees.

#### Ambassadorial Notification

314. The Station did not keep the Ambassadors appropriately informed in certain instances. Concerns about source protection and possible threats to Agency equities in its liaison relationships appear to have been the causes of some of these failures.

315. Ambassador Stroock was not properly notified in August 1990 [REDACTED] when the Ambassador was provided information about the military's involvement and cover-up in the DeVine killing and was preparing to present a demarche.



316. Ambassador Stroock was not properly notified in October 1991 [REDACTED] when allegations were received that Alpirez was present at the interrogation of DeVine.

317. [REDACTED]  
[REDACTED]

318. Ambassador McAfee was not properly notified in 1994, even after asking in October 1994 for a complete summary of CIA intelligence relating to Bamaca, that Alpirez had reportedly interviewed Bamaca after his capture in March 1992 [REDACTED]

319. [REDACTED]  
[REDACTED]  
[REDACTED]

320. [REDACTED]  
[REDACTED]



## Collection and Reporting Standards

321. Information provided by Agency assets was responsive [REDACTED] and included significant reporting on human rights issues in Guatemala, including the DeVine killing, Bamaca's fate, and the reactions of [REDACTED] Guatemalan political and military officials to U.S. policy initiatives in this regard.

322. However, in certain instances, concerns about source protection or possible threats to Agency equities in its liaison relationships appear to have been the cause of failures to report information fully and promptly. [REDACTED]  
[REDACTED]

323. Station reporting regarding human rights issues included some unsubstantiated reports from possibly biased sources about Alpirez [REDACTED], as well as the DeVine and Bamaca cases. The Station, LA Division and the DO should have made stronger efforts to validate the information and place it in the context of other reporting, analyze the biases and motivations of the sources, and ensure that consumers of the information were advised that there were significant questions about its validity and hearsay nature. It also appears that LA Division and the Station gave insufficient attention and consideration to the possibility that Station asset reporting on Bamaca's fate was based upon deliberately false information [REDACTED]  
[REDACTED]

324. The Station and LA Division failed to meet Agency standards for [REDACTED] with particular reference to the assets who provided key information relating to Alpirez, DeVine, Bamaca, [REDACTED]  
[REDACTED]  
[REDACTED]

325. At the time the CIA first encountered Alpirez in a liaison capacity in 1987 [REDACTED], Agency records apparently revealed no derogatory information or indication that he had engaged in human rights abuses [REDACTED]



[REDACTED]

326. The August 1990 information [REDACTED] formed a substantial part of what the U.S. Government knew about official Guatemalan involvement in DeVine's killing. It also served as part of the basis for at least one U.S. Government demarche to the Guatemalans and the partial suspension of U.S. military assistance to Guatemala.

327. [REDACTED]

[REDACTED]

328. [REDACTED]

[REDACTED]

329. [REDACTED]

[REDACTED]

[REDACTED]

330. [REDACTED]

[REDACTED]



331. [REDACTED]  
[REDACTED]

332. [REDACTED]  
[REDACTED]

#### Referral to Department of Justice

333. LA Division and OGC acted prudently in ensuring a prompt referral of the October 1991 allegations about Alpirez to DoJ. However, OGC should have probed more thoroughly to determine through a preliminary inquiry whether or not there [was] any basis to the allegations. In addition, having made the referral, OGC did not properly record or monitor the matter, or adequately respond to DoJ requests for further information.

#### Analytical Responsibilities

334. No factual basis has been identified for the DI [REDACTED] conclusion in an analysis presented to the NSC in January 1995 that Alpirez was at least "the intellectual author" of Bamaca's death. That analysis was also flawed [REDACTED]  
[REDACTED]

335. The DI [REDACTED] with primary responsibility was not made aware by DO officers of the April 1994 report that Alpirez [REDACTED] had interviewed Bamaca or that Alpirez [REDACTED] was reportedly present at the interrogation of DeVine. As a consequence, he was not able to include that information in briefings to senior State officials and HPSCI and SSCI staff members in November 1994 or in the [REDACTED] analytic reports that were disseminated to the Ambassador and NSC and State customers prior to January 1995.



336. Six reports have been found that allege that Alpirez had knowledge of or was involved in narcotics trafficking or other potentially unlawful activities. None of these reports establishes any connection between narcotics trafficking and the DeVine murder, nor does any of them indicate that the murder had as its purpose coercion or intimidation of, or retaliation against, a government or civil population. Neither has other evidence been found to indicate that Agency employees were aware of such a connection or purpose. Thus, there is no support for the contention that Agency employees engaged in an obstruction of justice in connection with the November 1991 referral to the Department of Justice.

#### Dispersal or Destruction of Records

337. No evidence has been found to indicate that any Agency personnel dispersed or destroyed records to prevent them from being reviewed by investigators. It appears that this allegation may have had its source in an Agency effort to provide copies of selected documents to former DCIs in order that they might be able to respond knowledgeably to public inquiries relating to Guatemala.

#### DO Records System

338. Weaknesses in the DO records system led to a failure to retrieve relevant allegations regarding human rights abuses [REDACTED]

[REDACTED] These weaknesses continue to cause problems for the Agency.

[REDACTED]  
A. R. Cinquegrana



## RECOMMENDATIONS

1. **General.** The following areas have been identified in the course of this investigation as requiring the attention of Agency management and are addressed in this section:

- Congressional notification;
- Ambassadorial notification;
- Selection of Chiefs of Station;
- [REDACTED]
- Collection and reporting responsibilities;
- Human rights reporting;
- [REDACTED]
- Analytical functions; and
- DO records system.

2. The paragraphs that follow constitute the IG's best judgment as to what should be done in each area, but we recognize that a management review of the issues involved may develop different and better approaches to improving current practices and policies in each area. The most important message we are conveying is that the identified areas require management's attention and remedial action. Thus, these recommendations should be viewed as a framework for further deliberation and development of responsive reactions in each area, not as a prescriptive list of actions that should be taken as stated. However, we strongly believe that the Overview Volume, with Conclusions and all Recommendations except the individual accountability section, should be made available to Agency employees in order that they may be fully informed and apply the lessons of this investigation to their own situations.

3. **Congressional Notification.** This investigation has shown that in the DO there is a predisposition against sharing information with Congress despite repeated statements by the Agency's leadership that Congress needs information to perform its oversight role and has the right to such information. The DDO should work to replace this bias with a predisposition that favors sharing information.



4. The DCI should reaffirm that the Agency has an obligation to ensure that the Congress is kept fully and currently informed about Agency activities. The Director should make it clear that each Deputy Director and Head of Independent Office is responsible for determining, on a continuing basis, which matters within their areas of responsibility should be reported to the intelligence oversight committees of the Congress. Clear procedures should be established to ensure that such matters are reported.

5. Each Deputy Director and Head of Independent Office, in conjunction with the General Counsel and the Director of Congressional Affairs, should recommend criteria for the DCI's approval that are applicable to their areas of responsibility to govern which matters will be reported to the intelligence oversight committees.

6. Each Deputy Director and Head of Independent Office should require their managers to review on a continuing basis which matters within their areas of responsibility meet the established criteria for reporting to the intelligence oversight committees. In addition, each Deputy Director and Head of Independent Office should conduct a formal quarterly review of their activities to determine which matters, within or in addition to the established criteria, should be reported to the intelligence oversight committees. As part of this process all employees should be given the opportunity to identify matters that should be considered for such reporting.

7. **Ambassadorial Notification.** The DCI should issue new guidance concerning Chief of Station (COS) responsibilities for keeping Ambassadors informed about Station programs and activities. [REDACTED]



[REDACTED]

8. Selection of Chiefs of Station. The DDO should develop standards, subject to DCI concurrence, for the development, selection and retention of Chiefs of Station to ensure that they are the most highly qualified professionals available. [REDACTED]

[REDACTED]

[REDACTED] Chiefs of Station should not be selected for reasons other than professional competence. [REDACTED]

[REDACTED]

9. [REDACTED]

[REDACTED]

10. [REDACTED]

[REDACTED]

11. Collection and Reporting Responsibilities. Both Headquarters and Stations are responsible for ensuring that the highest possible standards are maintained in CIA's collection and reporting efforts. [REDACTED]



[REDACTED]

12. Human Rights Reporting. The DDO should develop procedures to ensure that Stations meet established standards for reporting information relating to human rights abuses. [REDACTED]

[REDACTED]

13. [REDACTED]

[REDACTED]

14. [REDACTED]

[REDACTED]

15. Analytical Functions. DI analysts responsible for producing finished intelligence and conducting briefings of government policymakers should be given access to [REDACTED] that



pertains to their areas of responsibility. The DDI should establish standards that ensure that DI analysts consider all relevant information so that inaccurate, misleading, or incomplete statements are not incorporated into DI intelligence products or briefings.

16. **DO Records System.** The DO should intensify its efforts to ensure that Headquarters and Station personnel are supported by a records and information management system that will provide thorough, dependable and timely access to all information of relevance to a particular individual or subject. [REDACTED]

[REDACTED]

17. **Accountability.** This investigation has established that there is no basis for several of the most significant allegations that have been made against the Agency and its employees relating to its activities in Guatemala. Unfortunately, the investigative and political furor that was launched with these allegations and that has consumed much of the U.S. Government's valuable time and energy for the past several months could have been avoided or reduced if Agency employees had performed more capably in reporting the events in question.

18. A review of Agency activities relating to the Alpirez, DeVine, Bamaca, [REDACTED] matters reveals a general failure to adhere to the professional standards in collecting, reporting and analysis that the Agency expects from its personnel. The causes of this are puzzling. It may be that closer scrutiny or higher standards are now being imposed on the workforce. There are many possible explanations which we will not venture here.

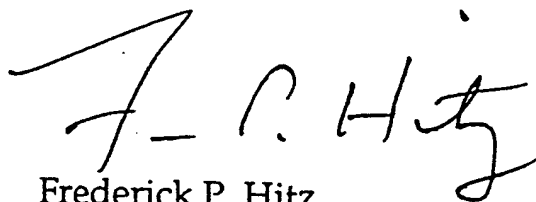
19. Whatever the reason, from recruitment to reporting; from corroboration to processing; from validation to analysis; from congressional notification to crimes referral, the facts demonstrate performance that is not as professional or competent or sound in its judgments as the Agency and the U.S. Government have a right to expect. It is not that anyone engaged in intentional wrongdoing, but that so many errors were committed along the way. Agency management



also must be faulted for the failures of Agency personnel that are identified in this Report of Investigation.

20. Many officers contributed to the problems and shortcomings described in this Report, but certain officers had special responsibilities and played significant roles that separate them from the rest. Although there is no evidence to indicate that they were involved in the specific events under review here, the level of professionalism that prevailed in the Agency must ultimately be laid at the feet of the most senior Agency managers, DCIs and DDCIs during this period. In addition, the names of individual officers who should be held responsible for specific deficiencies have been provided to the Director for his consideration and action.

CONCUR:



Frederick P. Hitz  
Inspector General

15 July 95  
Date